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DEPARTMENTS

THE LEAGUE'S BUSINESS

The Annual Meeting.—The Thirtieth Annual Meeting of the League will be held at Cambridge and Boston, November 10 to 12. The sessions on Monday and Tuesday will be at the Harvard Union where ample accommodations are available. The sessions on Wednesday will be in Boston. Professor W. B. Munro is the chairman of the committee on arrangements, and is being assisted by Dr. A. C. Hanford of Harvard and George H. McCaffrey of the Boston Good Government Association.

Professor T. H. Reed of Michigan University is chairman of the program committee. The program will be different from those of recent years and its appeal will be frankly to those who have a particular interest in local government. It will be an old fashioned meeting of the League, among ideal surroundings and with an ideal host. You will not want to miss it.

President Polk will address the banquet session on Tuesday evening. The morning, luncheon and afternoon sessions on Monday will be in charge of the Governmental Research Association, Dr. Lent D. Upson, chairman. The National Association of Civic Secretaries will meet at the same time and place.

PROGRAM.

Monday	10.00 A. M.	Pay-as-You-Go *vs.* Bonds for Financing Public Improvements.
	12.30 P. M.	Round Table Luncheon.
	2.00 P. M.	Improving Federal Statistics Regarding Municipalities.
	6.30 P. M.	Informal Dinner for Members of National Municipal League. The general welfare of the League and the improvement of the National Municipal Review will be considered. The dinner will be followed by the annual business meeting.
Tuesday	9.30 A. M.	Problems of Metropolitan Areas; (a) Regional Planning and Street Traffic and Transportation.
	12.30 P. M.	Luncheon. What the University Professors Think of the Municipal Research Movement.
	2.00 P. M.	The Problems of Metropolitan Areas; (b) Government.
	7.00 P. M.	Annual Banquet.
Wednesday	9.30 A. M.	Progress of Municipal Home Rule.
	12.30 P. M.	Luncheon. What the Research Men Think of University Instruction in Municipal Government.
	2.00 P. M.	The Boston Charter—Is it Undergoing Repairs?

The Baldwin Prize.—The Baldwin Prize for 1924 has been awarded to Helen Werner of the University of Illinois for her essay entitled Regulation of Street Traffic. The winner receives the sum of one hundred dollars, contributed by a long-time friend of the League in memory of William H. Baldwin. Second place was awarded to Alice Harriet Parsons of Wellesley College and third place to Henry T. Dunker of Harvard College. The judges were Professor Leonard D. White of the University of Chicago, Professor Arthur W. Macmahon of Columbia University and Frederick P. Gruenberg, formerly director of the Philadelphia Bureau of Municipal Research.

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GET OUT TO VOTE

AN EDITORIAL

THIS is the year of get out the vote campaigns. Many persons and several organizations have become alarmed at what seems to be an increasing disinclination to exercise the right of free born citizens to vote.

Collier's and the National League of Women Voters have become the leaders in the struggle against "the descending curve of American democracy." *Collier's* points out that recent history has been as follows:

In 1896—80 per cent of eligibles voted
In 1900—73 " " " " "
In 1908—66 " " " " "
In 1912—62 " " " " "
In 1920—50 " " " " "

From now until election it will strive to arouse the slacker citizen by making the election issues so clear and the personalities so visible that the most indifferent reader will go to the polls not merely as a duty but because he does not want to miss it. The entire Collier organization throughout the country will be drafted to boost the idea. Reprints of editorials will be widely distributed. Millions of a series of vote reminder slips will be prepared, which organizations can secure with their own imprint if they wish, for use as they see fit. Civic leagues and city clubs which are conducting get-out-the-vote drivers in their own communities are invited to make use of the facilities provided. The purpose is strictly non-partisan and is a part of *Collier's* program to awaken a more general interest in public affairs.

The campaign of the League of Women Voters is the culmination of more than a year's preparation. Their goal is 75 per cent of the vote which could have been cast in 1920, a gain of 25 per cent over the actual vote of that year. A campaign text book was published in June, which the national headquarters at Washington will be glad to send on request. This vigorous organization has taken a leaf from the book of the political machines and is organizing its forces, precinct by precinct, street by street. The text book tells you what has been done already by the state organizations and outlines their program of work until election. Soon we may expect to see posters in store windows, stickers on automobiles and special newspaper articles, to hear sermons in churches and one-minute talks in movies and theatres, and to receive calls from house-to-house canvassers followed by telephone calls on registration and election days. Station WEAF will broadcast talks on Fridays at 4.00 P. M. during September and October, in which we shall be told why and how to register and vote.

For the first time, political information which can be relied upon as non-partisan will be available on a national

scale, to define and clarify the issues and to present the records of candidates. It is a labor of love, and we trust that the readers of the REVIEW (who, we flatter ourselves, are to an unusual degree influential in clean politics) will lend these efforts every possible aid.

The indifference of the voter is a phrase covering a multitude of sins but explaining little, and it is to be expected that the present campaigns will turn some needed attention to an analysis of the source of this indifference. The ballot's burden, national, state, judicial district, county, city school district and township, has already overwhelmed us. A conscientious citizen, lost in the maze, often does what he considers the honorable thing, he doesn't vote at all. Unquestionably we elect too many officials. Although the city of Cleveland has made noteworthy progress toward the short ballot, her voters were called upon to pass on 304 candidates at the August primary, and in November will elect 54 officials. The results of the study, to be published this month, on non-voting conducted in Chicago under the supervision of Professor Meriam, will throw new light on the slacker voter. In the prosecution of this study several thousand non-voters were interviewed to learn why they didn't vote. The reasons are varied and some of them are surprising.

Clearly there are other deterrents to voting besides the frequency of elections and the length of our ballots. One of them is the expense in money when the payment of some sort of tax is prerequisite. *Collier's* discovered that in some parts of Pennsylvania it costs six dollars to vote. This is in the form of an occupation tax, most or all of which goes to the schools, and in a family of three or four voters may constitute a serious inroad into the family exchequer. Yet it may be that the payment of some direct tax should be a condition of voting. Irresponsible voting may be worse than no voting.

A more serious impediment consists in the requirement of advance registration. Personal, annual registrations increase the labor of voting, yet in New York they have been found the most effective protection against fraud which has yet been developed. Perhaps some method of permanent registration can be made effective in the large cities, although it should be remembered that gross frauds have been disclosed in small places and that they have been made easier by permanent registration. The experiment in Minneapolis, described by Mr. Olson in this number of the REVIEW, seems to demonstrate that continuous registration is cheaper and that more voters register if the opportunity is open to them daily. Methods must be worked out by which the difficulties of registration can be reduced to the minimum without opening the gate to all manner of frauds.

And yet when all extenuating circumstances have been considered, we do need a greater sense of responsibility for the ballot; we have forgotten what a high privilege it is. In part the increasing indifference is the result of lessening partisanship. When party feeling is bitter the people vote.

In October the writer will supervise the first presidential election to be held under a new law in the little republic of Nicaragua. Over 90 per cent of the eligible voters have registered and the leaders feel that something must be wrong because the full 100 per cent did not inscribe. But politics is a life and death matter in Central America.

The task of the American is to substitute a rational participation in politics for the fiery partisanship which is passing away.

LEGISLATIVE "WAR" IN RHODE ISLAND

BY C. C. HUBBARD
Brown University

As we go to press the Republican senators are still in "exile" in Massachusetts, following a "gas attack" in the senate chamber. The chairman of the Republican state committee, a Rhode Island gambler, and a Boston man of unsavory reputation have been indicted as being responsible for placing the "bomb." The attorney general, who secured the indictment, is a Democrat. :: :: :: :: ::

RECENT legislative troubles in Rhode Island have been attracting nation-wide attention. This state adopted biennial elections in 1909 but still retains annual meetings.

THE ROTTEN BOROUGH

The results of the elections of 1922 were in general Democratic, but because of the rotten borough system the Republicans retained control of both branches of the legislature. In the senate every one of the thirty-nine cities and towns elects one member apiece, resulting in gross misapportionment. Providence and the other five cities have 71 per cent of the population but are represented by only six out of 39 senators. At the other extreme, the 20 smallest towns which elect a majority of the senate have only 6.9 per cent of the population. Actually, in 1922, the Democrats obtained about 53 per cent of the votes for senators, yet found themselves in a minority of three, which was later increased to seven by the desertion of two of their members to the Republicans for reasons which have never been satisfactorily explained to the public.

Even in the house, representation is not based on population. Of the hundred members, Providence has only 25 (although she has 39 per cent of the people) and these are elected by districts. On the other hand, under a provision that every city and town is entitled to at least one, the 22 smallest towns have a total of 22 representatives although the population of each is less than one per cent and the total population of them all less than nine per cent. In the elections of 1922 for the house, the Democrats obtained a little over 51 per cent and the Republicans a little less than 49 per cent of the votes, yet the Republicans found themselves with a majority sufficient to enable them to organize. There is some independence in this body, however, such that the Republicans have not been able to prevent the Democrats from putting through some of their measures. Most important of these was a forty-eight hour bill for women and children, which bore the name of one of the independent Republicans.

While the house majority could organize that body, the two most important officers of the senate are provided *ex officio* by the constitution, the president being the lieutenant governor, and the secretary, the secretary of state. The lieutenant governor, Felix A. Toupin, is a Democrat, and around his head most of the storms of the last two years have swirled. The office of secretary of state, on the other hand, was saved by the Republicans from the wreck of 1922 and, since the one holding it has control of the

records, it has served to complicate the situation upon more than one important occasion. In addition to all this the sheriffs, upon whom the presiding officer must depend for the carrying out of his orders in the chamber, have been Republicans, due to the fact that the high sheriff, who appoints the deputies, is elected by a joint vote of the two houses of the legislature.

FILIBUSTERING IN THE SENATE

Without a majority in the senate the Democrats could not put through their measures except by agreement. With the possession of the chair, however, they could filibuster, and this they have done with the ostensible purpose of forcing the Republicans to capitulate. The two most important parliamentary methods used by Mr. Toupin have been the right of recognition and the "at ease." By the exercise of the former no Republican has been able to get the floor to make or to second any important motion. As to the latter, by merely declaring the senate "at ease," an informal method usually used to tide over a few minutes while waiting for something, the lieutenant governor has been able to put the senate in recess, sometimes for hours, without obtaining any vote therefor. While, of course, this method is quite contrary to ordinary parliamentary practice, the presiding officer does not seem to have actually broken any of the senate rules. This is due, primarily, to the condition of the rules themselves which have never been reduced to a methodical and complete system, apparently with the express purpose that those usually in control might not find themselves obstructed at any time.

A NEW CONSTITUTION WANTED

In the present session, which opened in January, the Democrats decided to drive for a referendum on a constitutional convention. It was their thought that a constitutional convention would be the short-cut to several reforms which they desired, the four most important of which were a reapportionment of the senate, popular election of judges instead of the present system of election by the combined votes of the two houses of the legislature, the vesting of executive appointments in the governor instead of in the senate, as at present, and the abolition of the property qualification still required in Rhode Island for the suffrage for city councils and on financial questions in cities and towns. The house passed an amendment to do away with the property qualification but the Democratic filibuster prevented the senate from acting upon it. Even if passed it would have to pass again in the next legislature and then be accepted by 60 per cent of those voting in a referendum. In spite of its action here, however, and in the case of the forty-eight-hour law, the house refused to pass a constitutional referendum resolution.

Meanwhile in the senate the Democratic filibuster was holding up all business, chief of which was the annual appropriation bill. To take the place of this, however, the Democrats offered monthly appropriation bills. It was their contention that these would suffice since they have been used almost every spring to tide over the time from the expiration of the fiscal year until the annual appropriation was ready. The Republicans, on the other hand, argued that the state could not make annual contracts unless the annual appropriation bill was passed, and moreover, why pass emergency bills when the annual bill was on the calendar ready for action. Actually the Democrats wanted to keep the legislature in session, hoping to get the

resolution for a constitutional convention referendum passed. They openly charged that, if once the Republicans got the annual appropriation through, the latter would leave the state so as not to sit through the summer in the legislative chambers. This deadlock over fiscal legislation resulted in much hardship to the employees of the state. To be sure, these are mostly Republicans, but the great majority of them are people of small means and, like most everyone, not in a position to transfer themselves easily from one job to another. It would appear that the passage of either the annual or the monthly appropriation measures would have met the situation, but neither side would give way. Finally, on July 3, the combined banks of the state made loans to the state employees, in most cases without interest, and have arranged to continue such as long as the present situation remains.

In the senate ever since January 1, most of the time has been taken up by speeches, the largest number being made by the filibustering Democrats. Some of these speeches have been exceedingly able expositions of the constitutional situation in Rhode Island. At other times the debates have descended to personal abuse of no credit to any dignified body. With all the bitterness, however, there has been some good nature, and all the members call each other by their first names. The chairman and secretary of the Republican state central committee have been in constant attendance and the Democrats have charged the Republican members with subservience to their orders. The public has shown much interest. The chamber is small and there is a gallery on only one side, but spectators are admitted to the floor and upon occasions have crowded it to suffocation.

From time to time the Democrats have kept the senate in session for many hours hoping to tire the Republicans into making some concession. Upon one occasion while this was being done, the lieutenant governor having declared the senate "at ease," the president pro tempore, who, being an elected officer was of course a Republican, "took the chair." To be sure, he did not do this physically, since the person of the constitutional presiding officer was still occupying the regular chair. Standing in the front of the chamber, however, the president pro tempore entertained and put a motion to adjourn whereupon the Republican members left the State House. After this the Democrats proceeded to continue the session and, carefully avoiding all roll calls, put through considerable business. Although this was on May 9, no move has as yet been made to enforce the laws or honor the appointments passed at this time, probably because with the secretary's records against them it would be difficult for the Democrats to obtain favorable judicial action.

THE LONG SESSIONS AND THE "GAS BOMB"

The most recent crisis developed during the week following June 13, which fell upon a Friday. Starting Friday afternoon, the senate was kept in continuous session until Saturday afternoon, the Democratic Senators talking or reading in two-hour relays. On Saturday afternoon the lieutenant governor ordered the sheriffs to keep all members in the chamber. Later, finding one senator absent, he declared the senate "at ease" pending the absent senator's return. This he did in spite of the fact that a quorum was very evidently present. The president pro tempore then repeated his procedure of May 9, claiming the right to preside, as the official records carry

it, "in view of the fact that his honor, the lieutenant governor, as presiding officer, has refused to perform his duties." Standing upon the floor the president pro tempore entertained, put and declared carried upon roll call a motion to "adjourn" until Tuesday, the next legislative day. After the Republicans had gone, the Democrats "recessed" until the same time.

On Tuesday, June 17, the president pro tempore called the senate to order promptly on time. The floor was crowded and the lieutenant governor was having difficulty in getting into the chamber. Accounts differ as to whether he was being purposely obstructed or not. However, it is to be noted that, although it is never the habit to begin sessions on time, on this occasion every Republican was in his seat promptly when the session was due to begin. In the meanwhile, when the reading clerk began to call the roll, one of the Democratic senators attacked him, claiming he had no right to do this until the lieutenant governor had called them to order. A small riot ensued. At this point the governor of the state entered the chamber and quiet was obtained. The governor made a brief address from the rostrum and apparent good nature was restored.

After this from 2.00 o'clock Tuesday until 7.45 A. M. Thursday the session was continuous. The presiding officer, the secretary and the reading clerk never left their chairs, the lieutenant governor even having a barber come in to shave him while presiding in the chair. Crowds of spectators were present all the time. Thursday morning gas fumes were escaping in the chamber and everybody quickly got out. The Republicans never came back. In about two hours the senate reconvened and the lieutenant governor issued warrants for the absent Republicans. The sheriff brought a physician's certificate to the effect that the Republicans were too ill to attend. The Democrats jeer that none of their number was seriously affected implying that the Republicans were merely seeking an excuse to end the long session, but there is an account of at least two Republicans being taken to a hospital. Later in the day the sheriff reported he could not find the Republicans. Later they were discovered at a hotel in Rutland, Massachusetts, out of reach of the lieutenant governor's warrants. There they declare they will stay until guaranteed safety in the senate. The Democrats have not failed to point out, however, that these same senators have left behind one of their number, to call attention to the absence of a quorum, and that up to the present, at least, he remains uninjured and unmolested. A saturated newspaper was discovered as the source of the gas fumes on the steps of the presiding officer's rostrum. The responsibility for it has not yet been established, but each side has not lost opportunity vigorously to accuse the other. Meanwhile, in the absence of a quorum, the legislature can do nothing but adjourn from day to day, a situation which may be ended by another dramatic move or which may remain until election day or even until the present legislature passes out of existence next January.

To those who go beneath the surface the whole story is but an episode in the struggle between social forces in this highly industrialized state. As far back as the Revolution there has been an almost continuous conflict between the powerful commercial and manufacturing interests to retain political power and the industrial workers who, in one way or another, have always been disfranchised and continue to be.

PROPOSED REORGANIZATION OF FEDERAL GOVERNMENT

BY RUSSELL FORBES

Research Secretary, National Association of Purchasing Agents

In the mass of unfinished business at the adjournment of the Sixty-eighth Congress was the "Departmental Reorganization Act, 1924," which was introduced by Senator Smoot on June 3. This measure (S. 3445) is sponsored by the Joint Committee on Reorganization of the Executive Departments, which was appointed during the early days of the Harding administration and which had been conducting hearings intermittently for several months.

The Joint Committee on Reorganization of the Executive Departments has the following personnel:

Representing the President—Walter F. Brown, chairman.
Representing the Senate—Reed Smoot, Utah, vice-chairman; James W. Wadsworth, New York; Pat Harrison, Mississippi.
Representing the House—J. Stanley Webster, Washington; Henry W. Temple, Pennsylvania; R. Walton Moore, Virginia.

The committee presented to the fourth session of the Sixty-seventh Congress in February, 1923, a prospectus of its plans in the form of a letter from President Harding to Chairman Brown, accompanied by a chart which exhibited in detail the present organization of the government departments and in parallel columns the reorganization suggested by the president and the members of the cabinet. This report was presented by Senator Smoot and was printed as Senate Document No. 302. The reorganization scheme proposed a thorough shuffling of activities between departments and a more logical redistribution along functional lines. It proposed the consolidation of the war and navy departments in a new department of national defense, the rechristening of the post office department as "department of communications," the creation of the department of education and welfare, and numerous transfers of bureaus between departments.

The measure introduced in June suggests only a part of the original reorganization plan. No banns announce the wedding of the army and the navy; the post office department retains its time-honored title. The bill would create, however, a department of education and relief. The secretary of the department would be an additional member of the president's cabinet. The function of the department would be divided into three major parts: education, public health, and veteran relief, each of which would be in direct charge of an assistant secretary. The new department would absorb the present veterans' bureau, the public health service of the treasury department, and the bureau of pensions and bureau of education of the interior department. The federal board for vocational education and the office of commissioner of education would be abolished.

To the present work of the department of commerce would be added the bureau of mines and the patent office, now branches of the interior department. The bureau of census would be renamed the "bureau of federal statis-

tics" and it would absorb some of the present statistical work of the geological survey and other agencies. The work of the department of commerce would consist of three divisions: industry, trade, and merchant marine, each to be in charge of an assistant secretary.

The bureau of public roads of the department of agriculture and the office of supervising architect of the treasury department would be transferred to the interior department. Here, also, assistant secretaries would be in charge of public domain and public works, the major functions of the department.

The solicitors for each of the various executive departments, who are now attached to the department of justice, would be transferred to the respective departments which they serve.

The bureau of the budget, established by the Budget and Accounting Act of 1921, would be divorced from the treasury department and made an independent establishment, operating under the direct supervision of the president.

A bureau of purchase and supply is proposed as another independent establishment, to derive its responsibility directly from the chief executive. It would be headed by a director of purchase and supply, to be appointed by the president and confirmed by the senate. The bureau would be given authority over purchase, storage, and distribution of all supplies, material, and equipment needed for use by all agencies of the federal government *located in the District of Columbia*, excepting only the government printing office and the bureau of printing and engraving. The supply requirements of the municipal government of the District would be purchased and handled exclusively by the bureau of purchase and supply, as well as those of any field service of the government which may elect to purchase through the central agency. The bureau would supervise contractual services, such as telephone and telegraph. It would likewise be responsible for disposal of all surplus or obsolete supplies or equipment.

A revolving fund would be set up to enable the bureau to purchase supplies in bulk under favorable market conditions and to store them for later distribution to the using agencies.

The general supply committee of the treasury department, which has since 1910 operated as a central contracting agency for supplies used in the District of Columbia, would be abolished. The government fuel yards, now a part of the bureau of mines in the interior department, would become a part of the bureau of purchase and supply.

The head of each executive department would be granted authority, subject to the approval of the president, to reorganize his department in the interests of the public service.

Although failing of passage at the session of congress just closed, S. 3445 will receive attention when the Sixty-eighth Congress reconvenes in December of this year and may yet be enacted into law.

LOS ANGELES MUNICIPAL POWER MAKING MONEY ON LOW RATES

BY C. A. DYKSTRA
Secretary, City Club of Los Angeles

Contrary to propaganda distributed by opponents, the Los Angeles municipal power enterprise is making 10 per cent and amortizing the investment with rates below those paid by neighboring communities.

THE *New York Times* of July 27 gives a half column to a report of the New York State Committee on Public Utility Information which makes the following general charges:

(1) That the people of Los Angeles have repudiated the municipal power enterprise by overwhelming majorities—the last time in May by 50,000 votes.
(2) That the bureau of light and power in Los Angeles has been wasteful and inefficient in administering its trust.
(3) That it fails to pay taxes as a private utility would and it pays nothing for the water used in generating power.
(4) That the annual audit by well known accountants showed a deficit for the year of $2,975,000.
(5) That more than $6,000,000 in taxes have been levied to pay interest and sinking fund charges on outstanding bonds of $23,500,000.

We in Los Angeles are so accustomed to hearing such statements bandied about during a bond campaign that they all sound very familiar. That a committee which is presumed to want the facts should publish without investigation campaign charges as facts is more unusual.

Without going into many questions involved and making a plea for our municipal power enterprise, there are certain facts which themselves answer effectively the propaganda sent out in the *New York Times*.

(1) The bond elections of 1923 and 1924 were not a repudiation of the Los Angeles power enterprise. The 1923 election proposed $35,000,000, five-sevenths of which was to be pledged to power development in the Colorado River in advance of any action by congress. The argument that it was too early to vote such a sum of money for a chimerical enterprise was effective, and though the issue received a majority of the votes cast it failed of the necessary two-thirds.

The 1924 proposed bond issue of $21,000,000 was purely for local power purposes—a three-year program of extension and betterment. The opposition declared the amount twice too large and insisted that a three-year program was too big a bite. The power bureau was tied up by a court decision and successfully kept from spending any money to inform voters of the actual situation.

Volunteer committees had to jump into the campaign at the last moment to retrieve the situation. In spite of such adversity the $21,000,000 bond issue was approved by 104,000 voters and negatived by 55,000. In other words the issue failed of a two-thirds

vote by about 1 per cent of those voting. A change of some 1,200 votes would have carried the election by two-thirds.

This is not emphatic repudiation by 50,000 votes, but merely proof that a minority of one-third with oceans of money can do a lot in blocking a majority of the electorate.

(2) Is the bureau wasteful? It sells electricity at the lowest rates maintained anywhere. It produces power for one-third of one cent a kilowatt hour. The surplus power bought from the Edison Company costs a little more than 90/100 of a cent a kilowatt hour. The average cost therefore is 53/100 of one cent. The unit costs of the bureau are well under its competitors. This was shown in the rate cases before the railroad commission. Last year alone, citizens of Los Angeles would have paid $3,000,000 more for electric rates if they paid the price charged neighboring communities by other electric companies.

The Price-Waterhouse audit for 1923 showed that the profits of the bureau, despite the uniformly low rates, were more than $2,500,000. Any business man can answer the charge of inefficiency for himself when auditors declare that a plant is paying for itself out of revenues and at the same moment making 10 per cent. on the total investment.

A recent statement of the railroad commission points out categorically that the power bureau should have earnings of $8,000,000 to put into capital account in the next three years.

(3) Shall the bureau pay taxes? The law declares it *cannot*. The bureau will gladly do so if so authorized. The amount would be approximately $700,000, a mere bagatelle compared with the annual savings in rates or the profits made.

On the question of paying for water used the auditors say:

> There remains to be considered the question as to whether the power bureau should bear any portion of the fixed charges arising from the construction of the aqueduct.
>
> In dealing with this point, it should be understood that the bureau has paid for the estimated excess cost of construction at San Francisquito Canyon incurred for the purpose of utilizing the available water power. As a matter of fact, this section of the aqueduct was constructed by the power bureau and the water bureau was charged only with the amount which it is estimated it would have cost had the waterways been constructed without consideration of power requirements.
>
> We are inclined to the viewpoint that, inasmuch as it was considered essential to the City of Los Angeles that an adequate water supply be brought from Owens River, the power enterprise in the San Francisquito Canyon should be considered in the nature of a by-product of the aqueduct, and as such not to be charged with any portion of the cost of the aqueduct construction. We are further inclined to this viewpoint because the records show that whenever there is a conflict between the requirements of the water and power bureaus in respect of the amount of water which shall pass from the reservoirs above the Canyon to those below, the requirements of the water bureau prevail. This is borne out by a statement presented to us in which it is shown that on various occasions when the power demand has been heavy, the output of the power plants has been comparatively low because the demand for water was light or the necessity for conserving water imperative. In any event, it is clear that should the department continue to earn profits at the same rate as in the year ending June 30, 1921, there would still be a surplus after all other charges sufficient to meet fixed charges on a substantial valuation of the San Francisquito power site.

(4) Price-Waterhouse, auditors, report over their signature that the power bureau's profit last year was $2,693,623.34.

As suggested above, the railroad commission, the governing body for private power companies in California,

reported that the bureau should put some $8,000,000 out of the next three years' profits into the plant. No more need be said except that the statement that certified public accountants declare that the bureau is operating at a loss is a plain misstatement and is taken from material published by the local opponents of the power bureau.

(5) As to taxes. It is a fact that in the early days taxes amounting to some $6,000,000 were levied for the power bureau. Of that sum more than $3,000,000 is still in the city treasury drawing interest for the general fund. It has not been used for power nor will it ever be, for the bureau is paying all interest and sinking fund charges out of earnings. Under the new charter both water and power are compelled to pay all charges without resort to taxation.

What do these five charges amount to? Everyone is misleading, if not plainly false. They were published in May in Cornelius Vanderbilt's Los Angeles paper and it is believed they were written in the offices of those who had charge of the campaign against the power bonds.

To keep the record clear it should be understood that power bonds will be voted on at the August elections. The issue will be $16,000,000, and it seems at this writing that there will be little organized opposition.

BOSTON NOW ZONED

BY L. GLENN HALL

Boston has been added to the imposing array of cities which have been zoned for the common welfare. :: :: :: :: :: ::

SIGNING of the Boston zoning bill by Governor Cox, in June was the final step in putting into effect the comprehensive zoning plan prepared by the City Planning Board after almost two years of intensive study. This is probably the first time, in the United States, that a state legislature has enacted a zoning law for a particular city. Outside of Boston, other Massachusetts municipalities may pass zoning ordinances under authority of the State Enabling Act of 1920. In Boston, it was found necessary to take the zoning measure to the legislature for enactment, rather than to the city council, on account of the fact that the Boston building law, which is closely related to zoning, is also a legislative act and the city government could not modify action already taken by the legislature.

THE OLD HEIGHT RESTRICTIONS INADEQUATE

Boston has had building height restrictions since 1904, when the whole city was divided, by legislative enactment, into two districts: "A," for business, with a maximum height of 125 feet, which was raised to 155 feet in 1923; "B," for residential and "other purposes," with a height limit of 80 feet, or 100 feet on wide streets. In the light of modern zoning practice these districts were not considered appropriate divisions for the operation of a zoning plan. There was a need for the whole city to be studied in all phases of city development, including

the use, location and area of buildings, as well as height. A comprehensive zoning plan was, therefore, held to be a logical solution of directing the city's growth along sound, progressive lines.

Preliminary zoning studies were started by the Boston Planning Board about eight years ago, at the time of the adoption of zoning by New York. The movement for a comprehensive zoning plan in Boston was begun in the summer of 1922 with the appointment by Mayor James M. Curley, of a Zoning Advisory Commission, composed of eleven members, nominated by representative business and civic organizations, to work with the Planning Board on the problem. Technical work on the plan was started in September, 1922, with the appointment of Arthur C. Comey as zoning director. The late Nelson P. Lewis also advised on the zoning work as general consultant, and the Hon. Edward M. Bassett was retained as special counsel.

PUBLICITY METHODS EMPLOYED

Before sending the bill to the legislature, conferences were held by the Planning Board and the Zoning Advisory Commission with representatives from various organizations interested in zoning the city. A campaign of widespread publicity was begun at the time of transmitting the bill to the State House. The nine daily newspapers of Boston were the chief medium. Over 20 columns or 500 column inches were generously given to news and special articles on the question by the newspapers from January to June, 1924. Zoning maps were reproduced by three or four of the papers. One leading paper ran a full page map, together with an additional half page of text.

Explanatory literature was prepared and issued by the Planning Board. In addition to the preliminary draft of the law with a tentative colored zoning map of the city, this included an Outline and Summary of the Law, Ten Points on What Zoning Does, Advantages of Zoning Boston from Eleven Points of View (being statements from the members of the Zoning Advisory Commission), Why Zoning is Needed (a cartoon and photographs on one sheet) and two reprinted articles from the *City Record* explaining the whole plan.

In February, 1924, three public hearings were held at the City Hall by the Planning Board and the Zoning Advisory Commission. These meetings were advertised in bold face type on the front pages of the newspapers. Introductory addresses were made by members of the Board and Commission and the plan was explained in detail by the Zoning Director, with the use of lantern slides. Many of the zoning survey maps were on display. Copies of the proposed law together with the explanatory literature were distributed.

Two public hearings were held at the State House by the legislative committee in charge of the bill. The presentation of the plan before the committee by the Planning Board and Zoning Advisory Commission was unique for its completeness, clearness and clockwork exposition of the different phases of the question by members of the Board and Commission, city officials and others. The chairman of the Planning Board, Frederic H. Fay, was in charge of the presentations and those in favor of the bill spoke according to a well arranged program. Practically the only opposition to the bill came from the directors of the Boston Real Estate Exchange, who said that they were not opposed to zoning "in principle," but claimed that the question had not received sufficient study in Boston, in spite of the fact that Boston was the pioneer in estab-

lishing height regulations and the Planning Board had been securing data on zoning from the experience of the many other cities that have already been zoned during the past eight years. A representative nominated by the Boston Real Estate Exchange and also one nominated by the Massachusetts Real Estate Exchange were members of the Zoning Advisory Commission during the eighteen months' intensive study of the Boston Zoning Plan.

In making the zoning surveys and studies careful attention was given to existing conditions and customs peculiar to Boston. As a result there are hundreds of small districts on the zoning map, owing to the irregular street plan and the fact that Boston is a city almost three hundred years old. After the necessary data had been gathered and compiled in regard to existing conditions and tendencies, field trips were made, studying every block and district to find out the actual condition on the ground. At the same time the proposed classification of the neighborhood under zoning was tentatively determined.

ONLY TWO CLASSES OF DISTRICTS

There are only two main classes of districts in the Boston zoning law—Use and Bulk. Many cities have three—Use, Height and Area. In Boston height and area are combined under the bulk designation. The use and bulk districts are shown together on one map. The various types of districts are divided by heavy black boundary lines. In each district the classification is clearly marked; first, by a letter which gives the key to the use and then by a figure which is the maximum building height. The height figure also serves as a designation for the bulk districts. Thus an I-80 district is an industrial district with an 80 foot maximum height limit. Reference to 80 foot districts in the law gives the area or open space requirements.

The new law divides Boston into six types of use districts: single residence, general residence, local business, general business, industrial and unrestricted.

There are five types of bulk districts: 35 foot, 40 foot, 65 foot, 80 foot and 155 foot. As the 80 and 155 foot heights were already established by the act of 1904 and subsequent amendments, only three new height limits were introduced. The area regulations for each bulk district specify the minimum sizes of yards and courts, minimum set-backs from the street and the maximum precentage of a lot that may be occupied by buildings.

It is a fact worth noting that there are but few cross references in the Boston law. Each section of the twenty-five sections comprising the law is, in almost every case, complete in itself. Exceptions to definite provisions are incorporated in separate sections for uses under the heading, Non-Conforming Uses, and for the bulk districts under the heading, Bulk District Regulations and Exceptions. This undoubtedly makes the law clearer and more understandable to the layman, as the many references to other sections in some zoning laws makes them hopelessly complex.

PREMISES ALSO REGULATED

An important point in the Boston law is that *premises*, as well as buildings are regulated. This gives control over lumber yards, coal yards and other uses where buildings may not necessarily be erected. In some cities, zoned under municipal ordinances it has not been possible, under existing authority from the state, to zone lots where no buildings are erected.

One of the most constructive provisions in the Boston law is that of vision clearance on corners, to prevent vehic-

ular accidents. This is also in the recent Providence zoning ordinance. It means that an open space must be left diagonally across all right-angle corners and others up to 135 degrees between intersecting street lines, varying in Boston from five to twenty feet back from the point of intersection, according to the height of buildings in the district. No vegetation may be maintained above a height of three and one half feet. The vision clearance provision does not apply in the 155 foot or downtown Boston business districts.

As Boston is comparatively free from the skyscraper problem, the larger portion of the surveys and studies were put on uses and methods of controlling the areas of buildings. While the zoning of New York in 1916 had a pronounced effect on the zoning movement in this country, the conditions in the world's largest city are so different from that of the average American city that it has been dangerous to follow the provisions of the New York ordinance. It may be said that the Boston law will probably come nearer being a model law for other large cities in the United States, although Boston is more intensively built-up than most of the newer cities. Of course each city has its own peculiar conditions and problems, but careful regulations may be followed in a general way.

PERMANENT REGISTRATION SUCCESSFUL IN MINNEAPOLIS

BY F. L. OLSON

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Minneapolis permits the voter to register at any time during the year, and such registration is permanent. The new method reduces the "ballot's burden," and the taxpayer's burden also. :: :: ::

Colliers is authority for the statement that in 1896 80 per cent of the voters cast ballots, that in 1900 the percentage dropped to 73 per cent, in 1908 to 66 per cent, in 1912 to 62 per cent, and in 1920 to less than 50 per cent. These are presidential years,—years when the fever heat of politics rises to its highest point except for some special issue of local interest.

If the voters go to the polls in decreasingly smaller percentage, it is reasonable to suppose that they will likewise refuse to register themselves to qualify for voting. The facts with relation to the election of mayor in Minneapolis are shown in the table on page 489.

Up to and including 1918, municipal elections in Minneapolis were held in the fall together with the state and presidential elections. In the 1919 legislature a law was passed changing the date of election from November of the even-numbered years to June of the odd-numbered years. The local officers elected in the fall of 1918 carried over until July 1, 1921, following the election in June of that year under the new system. This resulted in requiring citizens to register every year. The people having always complained of the requirement to register for every *state* election, the new arrangement only served to make a bad matter worse. Only by the most unusual efforts was it

1	2	3	4	5	6	7
Year	Estimated No. of Eligible Voters	Registration	Per Cent 3 is of 2	Votes Cast	Per Cent 5 is of 3	Per Cent 5 is of 2
1896.....	(a)	48,038	....	45,046	93.8	....
1900.....	45,908	44,039	95.9	40,300	91.6	87.8
1904.....	54,826	45,434	82.9	41,978	92.4	76.6
1908.....	63,741	50,873	79.8	45,646	89.7	71.6
1912.....	77,334	55,015	71.1	43,605	79.3	56.9
1916.....	86,891	75,134	86.5	61,321	81.6	70.6
1920(b).....	196,781	150,963	76.7	134,391	89.0	68.3

(a) Information not available. (b) First year of woman suffrage.

possible to get out a reasonable registration. Especially was this true with relation to primary elections—the most important election of the year. It also happened that the city of Minneapolis was confronted with several special elections, both local and state. Registration being required for these elections, the result was that a great cry of complaint went up against this really unnecessary burden.

So great was that complaint that in the 1921 session of the legislature a bill appeared, sponsored by members of the Duluth delegation, proposing a permanent registration scheme. The bill came in too late to be passed. In the next session (1923) a similar bill was introduced. In the meantime, the Bureau of Municipal Research had gathered data in anticipation of such a move and when the bill was introduced had interested the city clerk of Minneapolis and through him brought together a conference committee consisting of interested persons from the three cities of the first class—Minneapolis, St. Paul and Duluth. The outcome was a permanent registration bill—Chap. 305 of the session laws of 1923.

ESSENTIAL FEATURES OF NEW LAW

The essential features of the law are as follows:

1. Registration is made relatively permanent.
2. Opportunity for registration is open at all times except Sundays and holidays and fifteen days prior to an election.
3. Discretion is given the city clerk, who is made commissioner of registration, as to places where registration is carried on, and as to the general rules and regulations.
4. Voters must reregister if they fail to vote in two consecutive calendar years, record being kept on the registration card.
5. Provision is made for removal notices so that a voter by giving his last recorded residence and his new residence need not register over again.
6. The commissioner of registration is empowered to check the registration lists in any or all precincts of the city as he may deem necessary. This is done through co-operation with the post office department by return postal card. The return of a card by the post office department operates as a challenge at the polls to the person recorded at the residence from which the card was returned.

7. An original and a duplicate registration list is provided. These lists are made up on cards and call for all essential information relating to the qualifications of a citizen to vote. Those cards are filed geographically, that is, precincts and wards. This facilitates checking.
8. A master card is made up showing name, latest residence, together with ward and precinct, and is filed alphabetically. The recent primary election apparently more than justified this additional record. It was possible by its assistance to find cards that had been misplaced in their geographical filing arrangement due to clerical error in the giving of a wrong number or by actual misfiling.
9. In order that no registered person shall be deprived of his right to vote on election day, an emergency voting card is provided. This is issued upon checking through the master file to prove that the person is actually registered but that his card has been misplaced in the regular registration list. The election judge in the precinct phones to the central office and upon advice that the voter is properly registered makes out an emergency card which is substituted for the absent card in the precinct file. A similar card is made out at headquarters and placed in the original list. These are removed when the lists are returned from the precinct after the election.
10. The original registration card list is by law not allowed to be removed from the headquarters nor open to inspection. The duplicate list is open to inspection by the public and is sent to the precinct polling booths.

FIRST TRIAL PLEASING

The first test of this scheme of permanent registration was conducted at the recent June primary. Whether or not the plan was successful in persuading voters to register is perhaps best determined by comparison with the registration in former years on primary day. In the years 1921 to 1923 inclusive, there were registered the following:

1920	84,494
1921	119,126
1922	93,127
1923	110,341

The total registration at the close of May 31 of this year (the last day registration was permitted prior to the election) was 141,803. This figure compares not unfavorably with the total registration of previous years which was as follows:

1920	150,963
1921	157,928
1922	145,506
1923	122,094

Before the new law went into effect there were three registration days. There were three election officials in each precinct, the number of precincts having increased steadily until there are now 308. This gave opportunity for 924 different persons to make mistakes through carelessness, ignorance, poor handwriting and other reasons. Registration officials formerly were appointed by members of council; that is, they were the friends of the aldermen. Their knowledge of clerical work, proper filing, their ability to write a legible hand, was of secondary interest. Their friendliness to the appointing aldermen exceeded only their personal interest in the $7.50 received for serv-

ices plus $1.00 for each trip for obtaining from and returning the lists to the city hall. Today every employee in the permanent registration bureau is a civil service employee. Whatever mistakes may be chargeable to civil service, and there are plenty, the least that can be said is that that plan is far superior in getting trained clerical employees for work of this kind than the scheme of appointment by the aldermen. The proof was given on May 31, when a general registration day was held in each precinct of the city. This unfortunate requirement was placed in the law over the protest of the committee that drafted the bill. Those who insisted upon a general registration day first wanted two such days in 1924 and one in 1925 as a means of giving people an opportunity to become accustomed to this new scheme. By vigorous efforts, the supporters of the bill were able to eliminate the 1925 day but were unable to get rid of the two days in 1924.

COMPARISON WITH OLD METHOD

The cards that came in from the general registration day were often a sight to behold. It was not uncommon for important facts to be omitted, the handwriting was in many cases almost illegible and so carelessly made as to make a difference in street numbers and in names very easy. Most of the mistakes disclosed on primary election day were traceable directly to these cards rather than to those made out by the trained employees of the registration bureau. Unfortunately, there must be still another registration day in October.

The economy of the system also became apparent through the general registration day. Two clerks were appointed for each of the 308 precincts and received $7.50 for their day's service and one-half of them received each a dollar for going to the commissioner's office and a dollar for returning to that office with the registration list. Together with other expenses of renting of polling places and similar costs, this one day's registration has cost the city of Minneapolis nearly $10,000. Approximately 16,000 persons were registered that day—the other 112,000 were registered between the first of January and May 31 at approximately the same cost.

A drive is to be made to increase the registration to a more reasonable percentage of the total population eligible to vote. In 1920 the bureau of census found 251,425 persons in Minneapolis over twenty-one years of age. Among these there were 29,502 who were ineligible to vote on account of being aliens. Estimating 10 per cent as the number ineligible to vote on account of not completing the residential qualifications and for other reasons, such as illness and absence from the city, there were probably 197,000 persons whose duty it was and who could be properly expected to vote at the regular election. Projecting those figures to 1924, they are as follows:

Population over 21	275,655
Ineligible due to lack of citizenship and on account of residence	59,904
Estimated number eligible to vote	215,751

If the 75 per cent "get-out-the-vote" figure used by the League of Women Voters is at all reasonable, Minneapolis should expect to register not less than 200,000. To do this means an increase of approximately 78,000 registrations between the present time and October 15. The future of permanent registration as a convenience to voters, as a means of accurate checking of the voting population, and as a means of economy, will be more and more clearly demonstrated as the elections go by. Instead of two battles with the citizens

—one to register and one to vote—the attention of political parties, civic organizations and the public press can now be directed in Minneapolis almost wholly to the duty and privilege the citizen has in taking part in the selection of the ablest persons to public office.

CONSTITUTIONALITY OF ZONING IN THE LIGHT OF RECENT COURT DECISIONS

EDWARD M. BASSETT

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Zoning is doing its proper task, and the courts are helping it along but it cannot be stretched to cover the entire field of private restrictions.

Is zoning constitutional? One might as well ask "Is taxation constitutional?" Taxation that is arbitrary, unreasonable, partial or piecemeal is unconstitutional. Just so with zoning. The main difference is that sound methods of taxation have become well known. Zoning is a new science and its principles are being worked out by municipalities and the courts. This task is fraught with difficulty, partly because municipalities often insist on a kind of zoning that has no relation to the police power, that is, to the health, safety, morals or general welfare of the community. They try to use zoning to obtain for property owners advantages which should be embodied in private restrictions. Then, too, in foreign countries courts cannot set aside legislative enactments, but in this country under our written constitutions the regulation of property rights must be by due process of law, otherwise the courts will declare such regulations void. This means that police power regulations must be reasonable and impartial, and based on the health, safety, morals and general welfare of the community.[1] It is not strange that in this country the first ten years of the development of zoning should be beset with perils and disappointments. Taking the country as a whole, one must almost wonder that the courts have so rapidly sympathized with sound zoning and by their criticisms of defective methods and unreasonable regulations are so quickly compelling this new science to adapt itself to safe and lawful grooves.

[1] *Lincoln Trust Co.* v. *Williams Bldg. Corp.*, 229 N. Y. 313 (N. Y., 1920).

UNREASONABLE ACTS UNDER THE GUISE OF ZONING

Perhaps sometimes the courts seem to stand in the way of progress. On the other hand municipalities under the guise of zoning seek to uphold the most unreasonable and discriminatory ordinances. As an example, a hospital organization, treating non-contagious diseases, buys a ten-acre tract in a high-class residential suburban city, intending to erect a hospital in the middle of the tract. The residents, hearing of the project, urge the city officials to zone this land as a residence district from which hospitals are to be excluded. The officials yield to the almost unanimous request and the building commissioner then refuses a building permit to the hospital. There-

upon the hospital appeals to the court for protection. The city attorney tells the court that the hospital ought to go somewhere else because the residents are against it and it is an undesirable neighbor and may affect the value of real estate. The hospital can well retort, "If we cannot build in a residence district, where can we build? Would you force us into a business district where land is expensive and where there is the maximum street noise, or into an industrial district along with boiler factories and gas works?" "No," the city attorney answers, "we have created a low class or multiple-family house residence district. You can go in that, or you can locate somewhere outside of our city limits." The hospital trustees might well reply, "Your high-class residents ought to be willing to have adjuncts of civilized society like schools and hospitals near their own homes. It is unreasonable for you to try to push off your hospitals and schools into what you think is a low-class residence district or into the next town. You want to employ zoning to surround you with the bright side of life and dump into a low-class district or into the next town every necessary agency for your own welfare which it is disagreeable to have next door. This is not an invocation of the police power for health, safety and the general welfare. It is an attempted invocation of the police power for personal preferences and sentiment." The courts are likely to uphold the hospital and frown upon that sort of zoning. This unreasonable sort of zoning assumes a thousand different phases. Regardless of repeated admonitions municipalities continue to err.

LAW CLEAR AS TO HEIGHT, AREA AND BULK

The entire field of zoning outside of the subject of use has been upheld by the courts throughout this country. This embraces the subjects of height, area and bulk, courts and yards. Even if zoning accomplished no more than this, it would be a great advance on the chaotic conditions which existed prior to eight years ago. This is not to say that every case relating to height and area has been decided by the courts favorably to the municipality. Sometimes a city zones before the state has passed an enabling act for zoning.[2] Sometimes the height zoning is for a particular preferential locality that it is desired to beautify.[3] Sometimes the regulation is not related to the health, safety and general welfare of the community as where an ordinance tries to prohibit one-story stores and force all stores to have two stories or more.[4] Sometimes the regulation is deliberately intended to protect obsolete one-family houses at the expense of the normal development of a multi-family house or business district.[5] But in every case where the municipality has been empowered to zone for height or area and has framed its regulations with some relation to access of light and air, fire protection or facility for fighting fire, the courts have upheld the ordinance.[6]

[2] *People ex rel. Friend* v. *City of Chicago*, 103 N. E. 609 (1913); *Zahn* v. *Board of Public Works*, Los Angeles, District Court of Appeal, Second Appellate District, Calif., Division One, Mar. 20, 1924; Matter of *Barker* v. *Switzer*, 209 App. Div. 151 (N. Y., 1924).

[3] *Piper* v. *Ekern*, 194 N. W. 159 (Wis., 1923).

[4] *Romar Realty Co.* v. *Board of Commissioners of Haddonfield*, 114 Atl. 248 (N. J., 1921); *Dorison* v. *Saul*, 118 Atl. 691 (N. J., 1922).

[5] Matter of *Verplanck*, Supreme Court, Westchester County, White Plains, N. Y., order of Mr. Justice Morschauser, May 4, 1923; Matter of *Isenbarth* v. *Bartnett*, 206 App. Div. 546 (N. Y., 1923).

[6] *Welch* v. *Swasey*, 214 U. S. 91 (1909); *Cliffside Park Realty Co.* v. *Borough of Cliffside Park*, 114 Atl. 797 (N. J., 1921); *State ex rel. Klefisch* v. *Wisconsin Telephone Co.*, 195 N. W. 544 (Wis., 1923).

The subject of use is to-day the only zoning battlefield in the courts.[7] Even there the courts are upholding zoning for use in nine cases out of ten. They are unanimously upholding the segregation of nuisance and seminuisance uses. This statement applies to all kinds of trades and business that cause noise, dust, odors, fumes or vibration. Laundries and garages are well within the field of unanimously supported regulations.[8] The ordinary retail store in a residence district is the bone of contention in New Jersey. The highest court of New Jersey has said that the prohibition of a store on a certain plot in a residence district under the zoning plan of the town of Nutley was not related to the health, safety and community welfare and that therefore in that instance the application of the zoning ordinance was unconstitutional and void.[9]

[7] *Hadacheck* v. *Sebastian*, 239 U. S. 394 (1915); *State ex rel. Morris* v. *East Cleveland*, 22 Ohio N. P. (N. S.) 549 (Ohio, 1920); *Salt Lake City* v. *Western Foundry & Stove Repair Works*, 187 Pac. 829 (Utah, 1920); *City of Des Moines* v. *Manhattan Oil Co.*, 184 N. W. 823 (Iowa, 1921); *Schait* v. *Senior*, 117 Atl. 517 (N. J., 1922); *Ware* v. *City of Wichita*, 214 Pac. 99 (Kan., 1923); *State ex rel. Civello* v. *City of New Orleans*, 97 So. 440 (La., 1923); *State ex rel. Carter* v. *Harper*, 196 N. W. 451 (Wis., 1923); *State of Ohio ex rel. Danzig* v. *Durant*, 21 Ohio Law Bull. and Rep. (No. 43) 395 (Court of Appeals, Ohio, 1923); *Motor Home, Inc.* v. *Hedden*, Superior Court, Los Angeles County, Calif., November 14, 1923; *City of Memphis* v. *Gianotti*, Supreme Court, Tennessee, Western Division, March 29, 1924; *Kahn Bros. Co.* v. *Youngstown*, 25 Ohio N. P. (N. S.) 31 (Ohio, 1924); *Santangelo* v. *City of Cincinnati*, Superior Court of Cincinnati, Ohio, No. 50087, June 18, 1924.

[8] *Hench* v. *East Orange*, New Jersey Adv. Rep., Vol. II, No. 26, June 28, 1924, 510 (Supreme Court).

[9] *State ex rel. Ignaciunas* v. *Risley*, New Jersey Adv. Rep., Vol. II, No. 21, May 24, 1924, 852 (Court of Errors and Appeals).

ZONING BASED UPON AN ENABLING ACT

It can safely be said that the constitutionality of zoning based on an enabling act has been upheld by the courts of every state where it has been tested except in the state of New Jersey, and even there the doubt centers around the one narrow point of the exclusion of a store from a residence district.

Some may say that this statement is too broad and that the courts of Missouri, Texas and California have declared against zoning. The answer is that St. Louis, where the Missouri adverse cases arose, zoned without a state enabling act for zoning.[10] Dallas, where the Texas case arose, had no state enabling act for zoning, no zoning maps and no comprehensive ordinance.[11] Los Angeles, where the California cases arose, had no board of appeals, and its zoning was piecemeal.[12] It happened, however, that in these three states the courts, in refusing to uphold the zoning ordinances, discussed in *obiter dicta* the whole subject of zoning largely from the point of view of common law nuisance. These courts did not have before them state enabling acts for zoning expressing the intention of the legislature. It is more than likely that, after these cities obtain state enabling acts for zoning and adopt reasonable zoning ordinances, the courts will again pass on the debatable subjects from the point of view of comprehensive zoning and will consider

[10] *City of St. Louis* v. *Evraiff*, 256 S. W. 489 (Mo., 1923); *State ex rel. Better Built Home & Mortgage Co.* v. *McKelvey*, 256 S. W. 495 (Mo., 1923); *State ex rel. Penrose Inv. Co.* v. *McKelvey*, 256 S. W. 474 (Mo., 1923).

[11] *Spann* v. *City of Dallas*, 235 S. W. 513 (Tex., 1921).

[12] *Miller* v. *Board of Public Works of Los Angeles*, District Court of Appeal, Second Appellate District, Calif., Division Two, Dec. 21, 1923.

that they are not bound by the *obiter dicta* inserted in opinions before adequate enabling acts for zoning were passed.

WHAT IS ZONING?

Now we come to the meat of the whole subject. What is modern zoning in the United States? Ten years of study, experiment, practice, legislation and litigation make possible an answer. Eight years ago the creation of building districts without state enabling acts, and the enactment of piecemeal, interim and temporary ordinances without maps were all called zoning. So long as the municipality created different regulations for different districts, there was hope that the courts would support the ordinance because the name zoning was applied to it. Such hope has proved fatuous. The courts have not heeded the name, but no one can say that they have failed to heed the realities of the police power and gradually extend its principles to the new needs of cities.

Modern zoning demands just two things: a good state enabling act for zoning,[13] and reasonable regulations in the ordinance based on the health, safety, morals and general welfare of the community.[14]

The state enabling act for zoning has been quite well crystallized. The Department of Commerce, Washington, and the Regional Plan of New York and Its Environs furnish all inquirers with carefully framed standard forms based on actual experience and the decided court cases. Each of these standard or model forms contains five elements now deemed absolutely necessary:

(1) The grant of power to regulate height, bulk, use, yards and courts and density of population;

(2) Required preliminary consideration of the needs of each district, public hearings and the comprehensive and impartial application of the regulations;

(3) Requirement of more than a majority vote of the council to effect changes after written protest of property owners;

(4) Provision for a board of appeals with power to vary the strict letter of the ordinance and maps in cases of practical difficulty and unnecessary hardship;

(5) Enforcement and penalties.

Space does not allow a discussion here of the need of a board of appeals. In the early days of zoning this was considered a device merely for rounding off the sharp corners of the zoning requirements. Such a board is now considered absolutely necessary to the safe operation of a zoning ordinance.[15] It is the safety valve of the zoning plan. A zoning ordinance like a steam boiler will sooner or later blow up if there is no safety valve. Where there is a functioning board of appeals to which every aggrieved applicant for a permit may resort, litigation automatically assumes the form of court review of the discretion of the board instead of out

[13] *Opinion of Justices*, 127 N. E. 525 (Mass., 1920); *Clements* v. *McCabe*, 177 N. W. 722 (Mich., 1920); *Fitzhugh* v. *City of Jackson*, 97 So. 190 (Miss., 1923).

[14] *Handy* v. *Village of South Orange*, 118 Atl. 838 (N. J., 1922); *People ex rel. Roos* v. *Kaul*, 302 Ill. 317 (Ill., 1922); *Willerup* v. *Village of Hempstead*, 120 Misc. 485 (N. Y., 1923); *State ex rel. Vernon* v. *Mayor & Council of Town of Westfield*, 124 Atl. 248 (N. J., 1923); *Municipal Gas Co. of Albany* v. *Nolan*, 208 App. Div. 753 (N. Y., 1924); *Lees* v. *Cohoes Motor Car Co.*, 122 Misc. 373 (N. Y., 1924); *Ambler Realty Co.* v. *Village of Euclid, Ohio*, 297 Federal Rep. 307 (1924).

[15] *People ex rel. Sheldon* v. *Board of Appeals*, 234 N. Y. 484 (N. Y., 1923); *In re Permit to American Reduction Company*, Municipal Law Rep. (Pennsylvania) Vol. 15, No. 8, April, 1924 (Court of Common Pleas, Allegheny County, Pittsburgh).

and out attacks on the constitutionality of specific instances of regulation. Consequently where there is a board of appeals the courts become helpers in carrying out the intention of the zoning plan. Where there is no board of appeals, instances are sure to arise which the courts must under the law declare unreasonable and arbitrary and therefore void.[16] It is not out of place to say that in Texas, California and St. Louis (Missouri) when the adverse court cases arose, there were no boards of appeals with power. In New Jersey the enabling act itself gave no power to the board of appeals to vary, but the municipality within vague limits was authorized and expected to clothe the board with its proper powers. This method was so roundabout and ill-defined that cities did not insert the proper provisions in their ordinances, and the courts did not require applicants to resort to the board of appeals in the first instance.[17] This has been remedied in a new enabling act passed this year, and we may look for a greater degree of court approval in New Jersey hereafter. It is generally conceded that, if Greater New York did not have a functioning board of appeals in zoning, some specific instance of arbitrariness or unreasonableness would have arisen about once a week during the last eight years of the operation of the law. This would have meant about four hundred adverse decisions of the courts. The zoning plan would have lost popular and official respect and would have been on the scrap heap long ago. Instead of such a result the zoning plan of Greater New York has worked smoothly for more than eight years without a word of court criticism and without a court decision of unconstitutionality. This is undoubtedly due to the safety valve operation of the board of appeals.[18]

The next requirement mentioned is the framing of reasonable, impartial and comprehensive regulations by the municipality. It matters not how good the state enabling act may be if the city will not frame its ordinance within the law. It is in the power of the city to bring down upon itself the criticism of the court by making a pretense of regulating for the sake of health, safety, morals and the general welfare. A recently proposed zoning ordinance of a suburban village (fortunately not yet passed) asserted that thereby the village was divided into one residence zone or district from which all two-family and multi-family

[16] *State ex rel. Westminster Presbyterian Church* v. *Edgcomb*, 189 N. W. 617 (Neb., 1922).

[17] An exception to this statement is the following case, wherein the city specifically inserted the broadest possible grant of power in the ordinance itself,—*Allen* v. *City of Paterson*, 123 Atl. 884 (N. J., 1924).

[18] *People ex rel. Cantoni* v. *Moore*, 179 App. Div. 121 (N. Y., 1917); *People ex rel. N. Y. Central R. R.* v. *Leo*, 105 Misc. 372 (N. Y., 1918); *People ex rel. Beinert* v. *Miller*, 188 App. Div. 113 (N. Y., 1919); *People ex rel. Cockcroft* v. *Miller*, 187 App. Div. 704 (N. Y., 1919); *People ex rel. Sondern* v. *Walsh*, 108 Misc. 193, 196 (N. Y., 1919); *People ex rel. McAvoy* v. *Leo*, 109 Misc. 255 (N. Y., 1919); *People ex rel. Healy* v. *Leo*, 194 App. Div. 973 (N. Y., 1920); *People ex rel. Facey* v. *Leo*, 230 N. Y. 602 (N. Y., 1921); *People ex rel. Helvetia Realty Co.* v. *Leo*, 231 N. Y. 619 (N. Y., 1921); *People ex rel. Ruth* v. *Leo*, 188 N. Y. Supp. 945 (N. Y., 1921); *People ex rel. Forty-First & Park Ave. Corp.* v. *Walsh*, 199 App. Div. 925 (N. Y., 1921); *People ex rel. Broadway & Ninety-Sixth Street Realty Co.* v. *Walsh*, 203 App. Div. 468 (N. Y., 1922); *People ex rel. Wohl* v. *Leo*, 192 N. Y. Supp. 945 (N. Y., 1922); *People ex rel. Kannensohn Holding Corp.* v. *Walsh*, 120 Misc. 467 (N. Y., 1923); *People ex rel. Ventres* v. *Walsh*, 121 Misc. 494 (N. Y., 1923); *People ex rel. Parry* v. *Walsh*, 121 Misc. 631 (N. Y., 1923); Matter of *Heepe*, Supreme Court, Special Term, Part I, opinion by Mr. Justice Callaghan, New York Law Journal, March 14, 1924, p. 2138; Matter of *Kelmenson* v. *Mann*, 237 N. Y. 615.

houses were excluded along with all churches and hospitals, stores, public garages, laundries and factories. This is zoning run wild. It is an abuse of the police power on its face. Perhaps this village would be happier if the law would help it palm off on its neighbors every building where people work or congregate including its churches, but we are fortunate in having courts that will say that such a community cannot resort to the police power to bring about such a result however much it is desired.

The sooner municipalities can understand that zoning is not a panacea, the better it will be for all concerned. Zoning is doing its proper task and the courts are helping it along, but it cannot be stretched to cover the entire field of private restrictions, or to carry out all the ideals proper and improper of exclusive residential communities.

FURTHER ARGUMENTS FOR PAY-AS-YOU-GO

MR. CUMMIN'S ARTICLE IN THE JUNE REVIEW AGAINST PAY-AS-YOU-GO AROUSES SOME VALUABLE DISCUSSION.

I. A FEW QUESTIONS FOR MR. CUMMIN

BY BENJAMIN LORING YOUNG
Speaker of the Massachusetts House of Representatives

As a partial remedy for the growing burden of public indebtedness the pay-as-you-go plan has won favor. Mr. Cummin finds fault with the plan on the theory that "the greater the length of time the payment (of taxes) is deferred, the greater the benefit to the taxpayer." This theory is based upon the assumption that money which costs the government (state or municipal) not more than $4\frac{1}{2}$ per cent interest, is worth 6 per cent to the private citizens and taxpayer, an assumption of doubtful accuracy but which for argument will be admitted as true. If Mr. Cummin's theory is correct the old proverb, "Never put off till tomorrow what you can do today," should in application to public finance, be revised to read, "Never pay taxes today which can be postponed till next year or forever." Let us test this theory by a few questions.

1. If postponed payment is always beneficial should it not be applied, not merely to physical improvements, like parks and sewers, but to all public expenditures for capital purposes. Apparently Mr. Cummin himself believes in paying as you go for current maintenance. The winning of national independence, the suppression of insurrection (as in the Boston police strike), the victory in the great war; how determine on a mathematical basis the investment value to government and the term of bonds to be issued for such purposes? If payment of taxes does result in a loss of $1\frac{1}{2}$ per cent to the taxpayer, without corresponding benefit, would not Mr. Cummin favor funding such expenses in permanent income bonds without maturity, like British consuls. The benefit to government of its creation and preservation must be co-existent with its entire life. Logically applied the Cummin theory would favor a perpetual government obligation at $4\frac{1}{2}$ per cent rather than a burden on the tax-

payer at 6 per cent. We have not yet in America felt the need of a wide distribution of public securities as an antidote against social and political unrest and a safeguard of government stability. Shall we substitute the European theory of permanent public indebtedness for the American theory which regards a debt, public or private, as something to be paid and not maintained forever?

2. Limiting Mr. Cummin's theory to physical improvements like parks and sewers, we must nevertheless find some test for determining the reasonable life thereof. The commonwealth of Massachusetts occupies a state house the cornerstone of which was laid by Paul Revere in 1795. Additions have been made but the original investment remains in full value. Should this value be represented by outstanding debt? Improved highway surfaces wear out but rights of way, like all real estate, continue to exist often with increasing value. If Mr. Cummin's theory is correct bonds issued for investments in real estate should remain outstanding as long as the surface of the earth still endures.

WHY NOT PAWN PRESENT CAPITAL ASSETS?

3. If government has been guilty of old-fashioned thrift and has thus squeezed its taxpayers from a proper use of $1\frac{1}{2}$ per cent, should not the injustice be at once corrected? Why not use present capital assets as the basis for new loans? Assume that Massachusetts has title to property worth $200,000,000 in excess of state debts. Issue bonds to this amount, and the state could finance its annual budget of $40,000,000 on borrowed funds for five years. The bonds would be secured by actual property values, while taxpayers and the business community, in addition to freedom from five years' taxes would save $1\frac{1}{2}$ per cent on the total amount of the bond issue.

4. In measuring the value of its property as a basis for loans, shall the state be limited to the amount honestly and prudently invested in the public business or may it count the present value, including the unearned increment? Is the long and intricate contest over capitalization of public utilities as a basis for rate regulation to be duplicated by states and cities as a basis of deferring taxes and enriching their taxpayers by the issue of bonds?

5. Has Mr. Cummin considered the increased interest rate which would inevitably follow a large increase in government debt? If $5,000,000 can be issued at $4\frac{1}{2}$ per cent can $50,000,000 on the same security, command an equal rate? Would not Mr. Cummin's theory, if logically applied, prove impossible in practice? Is any theory sound which carries the germs of its own destruction?

GOVERNMENT MUST PROTECT ITS CREDIT

6. Is the government treasury a separate financial entity, distinct and apart from the taxpayers or is it merely a central collecting and disbursing agency with no problems of its own? The business corporation must maintain its own solvency and credit regardless of its stockholders. It must not enrich their pockets by declaring unearned dividends and thus impairing its capital. The government also must preserve its own stability and credit even though taxes are levied "till they hurt." But we must not carry the analogy between government and business too far. The capital investments of a business bring increased earnings. The capital outlays of government in most cases do not. And here is the chief objection to Mr. Cummin's pro-

posal. He claims that to be wise a public improvement must be a good financial investment, must furnish service or create wealth in excess of the cost. Now in practice only a small percentage of public expenditures meets this test. Government exists, not to make investments and create wealth, but to protect life and property, to preserve order and promote the general welfare of the people. A few so-called improvements, like streets and sewers do increase taxable values or directly promote business convenience. But most public undertakings —prisons and hospitals, schools and libraries, art collections and playgrounds produce no income and create no wealth for the government. True, they serve the public welfare, but their establishment removes property from taxation and their very existence requires greater annual charges for maintenance. From the business standpoint of net earnings they are not assets but liabilities. They do, however, bring to the general community, the necessities of modern civilization, education, health, recreation, public safety and convenience, direct and indirect benefits, not to the public treasury, but to all the people. Here are benefits which, it may be argued, more than offset the burdens incident to all taxation.

The problem of public indebtedness is too complicated to be governed by fixed mathematical rules. Experience has proved that the general tendency has been to borrow too much and too long rather than too little and too short. Let us therefore congratulate Mr. Cummin upon his novel and ingenious argument but let us not apply it in actual practice until the many questions and doubts which it raises have been further considered and resolved in its favor.

II. SOME ERRORS IN THE TREATMENT OF THE PAY-AS-YOU-GO PLAN

BY PAUL STUDENSKY

Director, Bureau of State Research, New Jersey State Chamber of Commerce

Mr. Zuckerman's article, published in the August Review, covers very well some of the outstanding errors in Mr. Cummin's treatment of the pay-as-you-go policy vs. that of borrowing. A few points, however, need to be added for further clarification.

Mr. Zuckerman points out as Mr. Cummin's principal error the fact that he assumes an extraordinary high return (6 per cent) on the money which is left to the taxpayer when the government resorts to borrowing instead of taxing him. A more serious and fundamental error, however, not mentioned by Mr. Zuckerman, is the assumption that all of that money is invested by the taxpayer and earns interest for him. Apparently the fact is being overlooked by Mr. Cummin that the taxpayer, like any human being, not only invests money but spends it, and, in fact, does the latter to a greater extent than the former. The larger portion of the amount saved to the taxpayer by borrowing goes to increase his spending ability. Only a portion of it is invested. When interest is figured on that portion the figure obtained will be very small. It will offset but a very small part of the interest charges on the debt created,

which the taxpayer will have to pay under the bond issue plan in addition to the cost of the improvement. The entire table so carefully prepared by Mr. Cummin, therefore, crumbles to pieces, for it is built on a wrong assumption. He could have with equal justice endeavored to compute the billions of dollars which each of us would have possessed today had our forefathers and we been able to invest their and our entire annual income each year and live on wild roots.

THE NEXT GENERATION

Another shortcoming of Mr. Cummin's treatment of the question is his inadequate consideration of the fact that whereas under the pay-as-you-go plan the cost of the improvement is borne by the generation that makes it, under the bond issue plan it is distributed between at least two generations, the one making it paying but a part of the cost and leaving the remainder to the succeeding generation to shoulder. He speaks of the "taxpayer" under both plans as if the same man financed the entire operation under either; and was losing the benefit of the interest factor for 40 years in one case and gaining it in the other. To be consistent with the foregoing fact, he should have assumed that half of the gain accrues to the second generation. But of what importance is it to the second generation (problematical as it is) when compared with the burdens which that generation has to assume on the preceding generation's account?

Mr. Cummin speaks of bond issues as the pay-as-you-benefit method of financing improvements. This is a very common conception of that plan and a very common argument in its favor. According to it the taxpayers should be called upon each year to bear only the costs of benefits which accrue to them that year. At the foundation of this "benefit" theory is a utilitarian conception of government and our life, of which government is but one expression, which is fundamentally wrong. Our task in life is not merely to satisfy our immediate wants but also to build something for the future. The task of government, is similarly twofold. We benefit from the efforts of previous generations, and posterity should benefit from our own. Each year, therefore, we should pay not only for the benefits which we consume that year, but also for some benefits which we can pass on to the future. The conception that each improvement which is of benefit to the future should be paid by the future, which lies at the foundation of the pay-as-you-benefit or borrowing plan, is fundamentally wrong.

THE COST OF RUNNING BEHIND

Another error, equally common and shared by Mr. Cummin, is the treatment of each so-called permanent or capital improvement without relation to others which preceded or will follow. If no other capital improvement than the particular improvement of 30 years duration were to be undertaken by the government for thirty years, its payment in one year would certainly have been uneconomic and unfair. But when each succeeding year launches and executes another capital improvement usually of greater magnitude and cost than that of the preceding year, then the objection to its payment that year, and passage to the future unencumbered, falls to the ground. When we trace the capital improvements of our governments far into the past we see that this is exactly what has happened. By splitting the cost of each improvement into thirty parts (on a 30 year term) and shifting 29 parts plus interest charges upon the future, we are merely bringing about an overlapping of costs and a condition by which

we are all the time on the average about 15 years behind in our financing and have to pay heavy interest charges.

When we treat each capital improvement as a part of a continuous process of improvements we obtain a better understanding of the relative costs of the pay-as-you-go and bond issue plans. For the taxpayer pays annually under the borrowing plan not only 1/30 of the cost of an improvement, as is assumed by those who consider but the one improvement (if we assume a 30 year term and the serial plan), but 30/30 of the costs of different improvements performed in the past (each fraction being 1/30 of a different item) plus the interest charges on the unliquidated parts of these costs. The difference in the annual costs to the taxpayer of the pay-as-you-go and borrowing plans, could be presented mathematically as follows, if we should designate this difference as "x," the cost of an improvement as "a," and the interest on the unliquidated part of the foregoing cost as "b," and indicate the year for which the figures apply at the bottom of the symbols:

Pay-as-You-go Plan — Serial Bond Issue Plan

$$x_{1924} = a_{1924} - [({}^1/_{30}a_{1895} + {}^1/_{30}a_{1896} + \ . \ . \ {}^1/_{30}a_{1924}) + (b_{1/30a_{1895}} + b_{2/30a_{1896}} + \ . \ . \ b_{a_{1924}})]$$

Of course no city, or other unit of government, finances all its improvements on a bond issue plan, and very few do all of them on a pay-as-you-go basis. It would be clearly impractical to do the former, for then it would be necessary to issue bonds for every new fire engine, garbage truck, or other addition to equipment which will last several years.

PAY-AS-YOU-GO NOT TO BE APPLIED BLINDLY

Similarly, difficulties are in the way of a universal application of a pay-as-you-go policy. Now and then a year occurs when the capital outlays are especially great, rise far above the normal curve of annual improvements and cannot be paid for entirely in that year. But all that is needed then is to even the peak period by spreading the excess over the normal over several years. It is not necessary to spread the normal part itself. Furthermore, it is very seldom that such great outlays are undertaken suddenly: usually they are considered for several years in advance. Why, then, not begin to raise the money in advance and accumulate a reserve for the impending construction? Secondly, the construction of big improvements usually lasts a few years, thus affording the people an opportunity to finance a large portion of it on a pay-as-you-go plan during that period. Finally, by incurring a loan for a short term only, the balance of the cost can be covered in a few years. Thus, frequently, the improvement can be financed without mortgaging the future. Of course, there are political obstacles to such a policy, but if the policy is sound, they may be overcome.

As Mr. Zuckerman rightly points out, the costliness of the policy of borrowing is obscured by the growth of the ratables and capital outlays and, recently, the depreciation of the dollar. We are engaged in a race between the debt charges on account of past improvements (reflecting the costs of these improvements and interest for borrowing) on one hand, and the costs of new improvements and growth of our taxable wealth on the other. Whenever a community slows down in the growth of its ratables the burden of past borrowing will be felt.

OUR CITY COUNCILS

II. PORTLAND—THE COMMISSION PLAN

BY JAMES J. SAYER

Executive Secretary, Portland Association of Building Owners and Managers

The second in our series of articles on the personality of city councils.

For a city of 325,000 inhabitants, there's little fuss and feathers about the city council of Portland. It has been so since 1913, when the commission form of government was adopted. When in action the procedure is so simple it partakes of the nature of a family affair. The council chamber is a semi-circular room, with a radius of fifty feet, that a couple of hundred people will fill. There's a gallery supported by eight or ten composition granite columns, but no one hardly ever goes up there. Everything's on the level in this council-chamber, except the mayor. His seat is on a dais, eight inches above his four fellow councilmen. A becoming touch of prestige and dignity is accorded His Honor.

Within whispering distance of the Mayor are the clerk of the council, the council reporter and the city attorney. They are seated on one side of a mahogany table. Across three feet of table-top are the newspaper men, within easy access of all official papers. At either end of this table two commissioners are seated at near-mahogany desks of customary legislative hall type. These, together with the sergeant-at-arms, personify the legislative, executive and judicial functions in the administration of city affairs.

Each Wednesday morning, from 5 to 10 minutes after 10 o'clock, the mayor announces: "The council will come to order; the clerk will call the roll; the auditor is instructed to open bids." With a wave of his stiletto letter-opener and a sweeping glance at the council's audience, that official slits open an envelope and the ceremonies incident to the official weekly meeting of the council are concluded.

It's just as simple as that. No one need be overawed by the dignity and formality of this body. It is easy to get within six feet of all members of the council. The weakest voiced woman has just as good a chance to be heard as the stentorian-voiced orator. All one has to do is to step up to the clerk's table, give one's name, and tell one's story in conversational tone. Sometimes there's a gallery of listeners; but one need not concern one's self about them.

THE AUDIENCE

The audiences, as a usual thing, consist of little groups of business men, maybe; neighborhood residents who wish to protest against the building of a public garage, or the opening of a wood yard in a residential district. Occasionally, the consideration of a franchise or some general public matter will draw a real crowd. Sometimes the interested spectators forget themselves, and when the mayor, speaking to the council, says: "Those in favor, say 'Aye'," the onlookers think it's a mass-meeting and vote, too.

Nearly all business transacted at regular council meetings follows the order as listed by number and summary title in the printed calendar found in

the official newspaper. All petitions, remonstrances, complaints, reports of officers and commissioners, ordinances on first, second and third readings that have been filed with the auditor by 10 o'clock of the previous Saturday, are considered. If, however, a clerk has failed to get his report ready on time, or a commissioner wants to get quick action on something, he resorts to the vest-pocket calendar. That is, following the transaction of all regular business, the commissioner slips the paper over to the clerk. If on calling the roll there are four members present and no one objects, the matter is given consideration. Emergency ordinances are passed in this way. The prime requisites for an emergency measure are the public health, peace and welfare, and some measures get by that have but a very thin veneer of these virtues. Ordinarily, three out of five votes will enact legislation. Ordinances are read a first and second time on being introduced, but may not come up for final action until the second meeting following. Franchise ordinances must be published 30 days before they become effective.

FEW EXECUTIVE SESSIONS

In addition to the friendly, democratic spirit found there, the council meetings are notable for their open-work methods. The council almost never goes into executive session. The consideration of personal appointments or some ticklish matter of policy are the exceptions that prove the rule. There are no standing committees. Special committees for the consideration of special problems are only occasionally appointed. All legislation either originates with the commissioner in whose department it properly belongs, or if it comes from the outside, it is referred to the proper commissioner for a report. If the subject-matter is of a general nature, the council informally resolves itself into a committee of the whole. The mayor has no veto. His vote counts for neither more nor less than any other commissioner.

While there is but one stated meeting weekly, the council may be convened at almost any time. The commissioners being required to give their entire time to the city's business, they are to be found at the city hall during regular office hours. Special meetings are quite the usual thing. This makes for expedition and service to the public. In their judicial capacity, the commissioners devote one or more half-days a week to functioning as a police court. The city endeavors to guard the moral welfare of the community by licensing amusement places, soft-drink parlors, lodging houses and social clubs. Charges of bootlegging, narcotics, keeping a disorderly house, many of which are first heard at the municipal court are repeated to the city council before the license is revoked. It is really pathetic to see our five commissioners sitting *en banc* listening to petty disorderly offenses so many hours a week. Thursday of each week is visiting day. The city commissioners usually devote this day to riding from place to place about the city in their official car. "Viewing the premises" is the technical parlance for these trips.

The business of the council is usually conducted with considerable expedition. The regular sessions rarely last more than two hours, if uninterrupted by lengthy speeches of spokesmen of delegations. The commissioners themselves do not practise oratory at council meetings; the mayor only once in a while by way of emphasis. It is almost impossible for one commissioner to defeat legislation or even defer it beyond the regular routine of procedure. Emergency legislation, however, is only possible under unani-

mous consent and at times important matters are deflected from immediate disposal to the routine course by one vote.

MAYOR IN POSITION TO LEAD

The mayor has many real advantages over the other commissioners. He gets a salary of $6,000 a year; they get but $5,000. He is elected mayor by the people and owes nothing to his fellow commissioners. By virtue of his position, he is president of the council. He enjoys all of the prestige which comes to the mayor of one of the larger cities of the United States. He has the right to assign departments to whomever of the commissioners he pleases. For reasons sufficient to himself he may withdraw these favors. He is, therefore, directly responsible for the best results possible from the elected material before him. Quite naturally he would keep for himself those departments he believes to be of most importance or that would aid his own political prestige. He may thus dominate the council, reward his friends and punish his enemies; even go so far as to affect their political futures. This is not saying he would do it; he might.

The mayor keeps the police and public safety departments and the running of the auditorium for himself. A second commissioner has been given the water supply, all public utilities, and the public health; a third the fire department, public market and street cleaning, a fourth all public works including streets, sidewalks and sewer improvements, building permits, and electrical and plumbing inspections. The fifth has charge of public parks and playgrounds, finance, and is the city purchasing agent. The police and public park departments are perhaps inherently more politically valuable than any others. Because the city has but a limited form of city zoning, the public works commissioner probably has more grief than any other.

Experience shows there is a certain reticence on the part of the commissioners in disapproving the recommendations made by each other. Each one is jealous of the right to conduct his own departments. If approval is not given to his recommendations, it is only human nature if a tinge of vindictiveness may spice his action when an opportunity presents itself. This sort of thing has been done, but it does not happen very often. It is recognized that the commissioner in charge has usually given more study to a subject pertaining to his own department, and naturally he has much pride in the effectiveness of his recommendations. When a commissioner is puzzled over just what to do, or prefers to "pass the buck," he refers the problem to the council as a whole without recommendation.

HOW COUNCIL IS ELECTED

The five commissioners who constitute the city council are elected by popular vote from the city at large. The term of office is four years. There are no wards. Nominations are by petition signed by 100 or more voters. No party or other affiliation has to be declared. In a community which is numerically Republican, the candidate who is recognized as such has a much better opportunity of being elected. There are busy-bodies who get up blue tickets, yellow tickets and the like, and then the economic, religious and social interests of the candidates are weighed in the balance.

A non-partisan form of ballot is used. The voters are given the opportunity of first, second and third choices, and a majority of all the votes cast is necessary to election. This differs, of course, quite radically from

the proportional representation plan, and does not have the same significance as a basis of representation. More often than not, to decide an election, it is necessary to include the second and third choice votes. It is not a safe plan for a partisan to vote for a second or third choice candidate, however. To do so may tend to weaken the chances of his first choice. The aggregate of the second and third choice votes may land an occasional 100 to 1 shot.

PERSONNEL

An opportunity to serve on the city council is estimated, in the public mind, from different angles. Because of the compensation of $5,000 a year, the successful business or propertied man, whether retired or active, is not attracted by the salary and yet is not willing to give his services gratis if all the other commissioners are paid. Because the salary is a good one to many, and no demand is made by the public for previous training or experience, the commissionership attracts a class of men who are not accustomed to this rate of compensation. To them, the financial reward is in itself sufficient. Politicians and opportunists are attracted to the position because it carries with it considerable political prestige, if not patronage. The ease with which one may get his name on the ballot and the comparatively small investment necessary to the average successful campaign, paves the way for many who are ambitious to get a good political start.

Once in a while a man of special training and ability to handle the intricate problems of our large municipal undertakings seeks the position for the experience it would give him personally and a genuine desire to serve the public. As it is necessary to practise the devices and tricks of the politician and the prospects of success are so uncertain, this class of man more often prefers the appointive positions. When a man of this type offers himself for election and certain organizations, technical, civic and business get behind him, they succeed in placing him.

SELECTION OF SUBORDINATES

The appointive officers of the council are usually selected by the commissioners individually, subject to the approval of the council. The mayor appoints the city attorney and the chief of police. The commissioner of public works names the city engineer; the chief of the fire department is under civil service, but a new appointee would be selected by the commissioner in charge; the commissioner of finance names the city treasurer and the purchasing agent. Each commissioner recognizes the primary right of each other to make the appointments in their respective departments. Only in exceptional cases is objection made by the other commissioners. This plan works out very well on the whole, but trading is often an influence in the selective process.

The personnel of the present council is now typical of an American community. Two out of five are native to the state. The present mayor has given a great deal of attention to politics in the past 20 years. When in business he operated a local theater and engaged in various theatrical enterprises with more or less success. A second commissioner was engaged in the printing business and was successful in a small way. A third commissioner was a partner in a dry-goods business of the department-store type in the secondary business district of the city. The fourth member was city auditor for several years and has been an executive of one of the leading fraternal organizations. The fifth member was sales

manager in a large wholesale hardware house.

HAIL-FELLOWS-WELL-MET

The reason the council proceedings are so simple and democratic in practice is due to the fact that these men personally are one with the great body of their constituents. In their official relations with the public they maintain as far as possible the hail-fellows-well-met attitude, although retaining a certain dignity. They have all tried the plan of never closing the doors to their private offices. Everyone who called could see who was talking to the commissioner, even if he could not hear what was being said. They listened patiently to all stories. One commissioner protected himself by a framed motto which read: "Because I do not say anything does not mean that I agree with you." This open-door policy had to be abandoned for the most part. The mayor found he could not have any privacy. The self-importance and insistence of some people know no bounds. The commissioners found they could not get their necessary department work done. They have, to a large extent, now thrown about themselves the necessary safeguards of approach adopted by all executives.

No one of these men has had previous experience or technical training such as would give him special fitness as a city executive in charge of operations of the type and magnitude of many city problems. They are better satisfied to serve the immediate needs of the various interests of the city than to devise and adhere to a program covering a period of years. A hand-to-mouth plan demonstrates little faith in the proper development of the city. They undoubtedly possess certain native judgment and logical attitude of mind, but they lack a scientific approach to a problem.

The shortcomings of the situation are not by any means altogether of the making of the commissioners. They fall heir to a battery of employes intrenched under civil service who have more or less fitness for their positions and duties. The commissioners are dependent upon their subordinates to learn the routine of city affairs, and as a general thing they have not the patience or the training to make an adequate study of the many responsibilities they are called upon to assume.

TAX-LEVYING AUTHORITY

While tax-levying authority and spending power are both lodged in the city council, the commissioners occupy a position that is unique to most elected officials. A review of the city's budget as prepared by the council is vested in the Tax Supervision and Conservation Commission of Multnomah County. This commission consists of three men appointed by the governor. It has similar authority over all tax-levying bodies of the county. The commission may not increase a budget item. It may cut one out entirely or reduce it. To that extent it exercises a government function. It offers suggestions for methods of procedure and for economies in operation. The effect of the reviews of budgets by the tax commission has been salutary, in that more care is exercised in their preparation. There is little or no opportunity to juggle funds from one department to another. Cost-accounting methods are being instituted. No more money than necessary for the expenditures of the current year is being taken from the taxpayers.

In making up the annual budget the city council is governed by several tax limitations which restrict their spending power. Once in a while the com-

missioners include in their departmental budgets items for many things they would like to do. After they get the publicity that follows this course they go back to their offices and make a budget that is financially possible. The margin between the sum of the tax levy and the necessary operating expenses is usually quite narrow. Any expansion adopted must be agreed upon by all as a necessary measure. This condition largely prohibits log-rolling or one member getting more than his share of appropriations.

Under the state constitution the city may not levy for current purposes, in any one year, more than the previous year's levy and 6 per cent additional. Under the charter the city may not levy more than eight mills for general city purposes. The first of these limitations works a hardship because the constant growth in population, added to increasing service demands, has been greater than 6 per cent. The second of these limitations was found inadequate in 1917 because of war conditions, and the elimination of saloon license revenues. An additional levy of three mills each year has been authorized since that time. The demands now are such that this temporary relief must be made permanent, it is declared. Portland is not an extravagantly administered city and the tax limitations prevent a policy of expansion in keeping with its natural growth. Appeals for special funds are seldom denied by the voters, however, but the requests are usually specific and the grants are made for limited purposes.

There are further limitations in the successful functioning of the city council, due to the fact that the urban interests of Portland are divided among five other municipal bodies. Each of these perform many city functions. The Willamette River divides the city. The bridges across it are all within the city limits. The county government controls them. Some county roads extend into the city limits. The public docks commission has authority over all expenditures for the development of shipping and has restricted control of territory up to 1,000 feet from the river. The Port of Portland keeps open the river channel. The county library is primarily the public library of Portland. The school board functions for the city of Portland as School District No. 1 of Multnomah county. Many believe it would be better if these separate bodies, with the exception of the schools, were united in one body as a metropolitan district.

One general criticism that should be a part of this exhibit is that the city commissioners seem not to be versed in the history and experience of other cities. They so often take up each problem as if it were new and single to the city, when similar problems have been met by numerous other cities for these hundred years past. A city like Portland is bound to grow. Population, wealth, methods of transportation and demands for public service are changing and increasing from day to day. But all these things move along well-recognized lines, no matter if the form or type of them be different. What is needed more than anything else is a program that includes recognized and essential lines of development, such as are proceeding in an orderly manner, and that move imperceptibly from day to day as in glacial action. To the city council belongs leadership, not the fear that inheres in those who would follow and wait until they are told to do something before it is done. The commission form of government, simple as it is in Portland, is well adapted to respond to such demands.

A PLAN FOR THE REDUCTION OF CRIMINALITY

BY MAX G. SCHLAPP, M.D.

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The state must recognize that criminality is a condition of mental unhealth to be treated as other diseases are—by study and medication. The battle of alienists is now a farcical spectacle. :: :: ::

HOWEVER little we may sympathize with sensationalism, we must conclude today that criminality, along with insanity and mental deficiency and defectiveness, is steadily and even alarmingly increasing. The extent of this evil growth is not to be read from prison statistics, since the number of persons actually immured bears a most varying ratio to the number of crimes committed, but rather from the total of reports and complaints and from the records of insurers against crime. These latter show a rise in the total of losses through offenses against property for the last ten-year period that would hardly be credited were its source less reliable.

INCREASE IN CRIME RELATED TO INCREASE IN MENTAL AND NERVOUS DISEASES

I mention this only by way of calling attention to the fact that the criminal problem of this day is not what it may once have been. It is essential to recognize the gravity of the situation now confronting the cities and states if we hope to convince the people that new ground must be broken and other methods devised for handling the problem of the law breaker. If, in the face of constantly better police organization, ever better prison and reformatory conditions, widespread and constant relief work, social work and other charitable enterprises, criminality becomes steadily more common and more menacing, we need not stop for further proof of the failure of the present system.

It may be necessary to recognize that the penal system is the best instrument now in hand. It is even certain that it cannot be done away with except in a gradual and well studied manner. Its ultimate discarding cannot be accomplished for some generations. But all this must not close our eyes to the bitter truth that penology is in a state of bankruptcy and that something else must take its place as rapidly as possible.

There will be protracted argument over the question of what that something is to be. In the end, however, we will not be able to escape the conclusion, so long foreshadowed in popular guesses and more or less scientific thought, that criminal conduct is a pathological matter and that the corresponding and synchronous increase in crime and in mental or nervous troubles of all types signifies that the two are related phenomena based upon a common cause. In other words, the factors which have produced the enormous rise in the percentages of mental defectiveness, feeblemindedness, nervous ailments and insanity are the same which have controlled the increase in crime. Ergo,

criminal conduct must be related to the other forms of aberration. It must consequently be recognized as a condition of unhealth and it must be treated as other diseases are treated, not by punishment and imprisonment, but by study and medication.

The number of persons who know what has been done toward the scientific or medical solution of the criminal riddle is probably very small. It would be strange were it otherwise, since most of the real progress has been made within fifteen years or since the bearing of the endocrine glands and their health or unhealth upon the behavior of the human being was first recognized and studied. In that short span of time we have, however, made striking and salutary progress.

Today it is possible to say with the utmost confidence that the overshadowing majority of criminals are individuals influenced by deranged glands, either their own or those of their mothers. It is now and has for some years been possible to determine by tests, in a great many of these criminal cases, the nature of the gland disturbance. Far more important from the practical viewpoint, it has also been possible to treat such afflicted persons successfully. To use the popular tag, we have been curing crime.

THE INTELLECTUAL CRIMINALS

Most enlightened persons now understand clearly enough that many criminals belong to the idiotic, imbecilic, feeble-minded or mentally-retarded classes. Perhaps my own repeated writings on this subject have helped to spread the information that such serious mental faults are most frequently the result of gland disease in the mothers of the afflicted individuals. Indeed, this is always the case unless the fault has been caused by direct inheritance, by the intervention of infectious disease or by some kind of trauma. What is, however, only dimly apprehended at present is that many other criminals, who are in no sense feeble-minded or mentally deficient, are also the victims of gland disorders of their own. To this class belong the intellectual criminals, men and women with fully developed brains, often with high intelligence, sometimes with considerable talent, who nevertheless commit the gravest crimes and display the utmost cunning and calculation. Such offenders are now known to be glandularly affected in such manner as not to diminish their mental activity but to cause faulty reaction and, therefore, abnormal conduct at certain times, in certain trends and under certain conditions.

This last class is perhaps the most numerous of all the criminal clans and it is also the one which offers the best hope of successful treatment in the present state of our knowledge. Without going into details for the moment, it may be said that many such offenders have already been treated and "cured."

In view of these striking facts it may not be out of place to put forward a plan for the handling of criminals and delinquents which may be expected to make progress at last in this dark and difficult field.

A NEW ORGANIZATION NEEDED

The first unit of the system which, in my opinion, will soon have to be substituted for the present organization will be a central clearing hospital in every large community to which cases can be sent for study and observation, as well as preliminary treatment. The idea would be to send all criminals, even remotely suspected of derangements of any kind, to this institution for examination.

Such examinations would not be made as at present in a few cases, within a few minutes, hours or days, but with great patience and exactness, with the best equipment and the most advanced knowledge, sometimes requiring weeks for a determination.

These central clearing hospitals would contain:

First, a research laboratory where properly equipped scientists could be constantly at work devising new tests for the various still unexplored forms of gland disturbance and making constantly deeper investigations into this almost virgin field of medical knowledge. Such a laboratory would soon make a great light where there is now intense darkness. It would pay for itself many thousands of times over within a few years.

Second, a clinical laboratory, where all the known tests could be applied to the patients or suspects admitted to the hospital, where individual studies of the various unfortunates could be made and where records would be kept, records of the most complete and exact type.

Third, the observation wards, where the patients could be held, watched and treated while the study of their cases was in progress, or while the proper treatment of their ailments was being devised.

Beyond this large clearing hospital would be ranged a series of detention hospitals, infirmaries, camps, farms, schools and the like, to suit the needs of the various types of patients and offenders which would have to be handled under the new system. To these various small institutions, which would have the right to detain any patient sent them until such time as his case was considered successfully treated and his discharge indicated, would be sent the cases after they had passed through the central clearing hospital.

That is to say, if X has been sent to the clearing hospital, he will remain there for some days or weeks until a complete study of his case has been made, his ailment has been determined, his type found and the proper treatment devised. As soon as this work has been finished, X is ready to be sent to a place of detention suitable to his case. With him goes a report and a statement of the indicated treatment. At the detention place X will be held and made to take the treatment until such time as he can be considered safe for release, when he will be automatically discharged.

DETENTION NECESSARY TO TREATMENT

Many will ask why the detention feature is necessary and some will complain that it is no more and no less than imprisonment under a more pleasant name. That detention is imprisonment no one will deny, but I must point out at once the vast spiritual and ethical difference between imprisonment for punishment and detention for medical treatment. This is, however, not the main point.

Our experience at the Post-Graduate Hospital has shown that in a majority of the severer cases little can be accomplished without detention and supervision. In the first place, these gland diseases require long continued, constant and frequently adjusted treatment. It may even take years before certain grave kinds of disturbance can be corrected. Again, a patient must be in a known state of physical condition when the delicate tests are applied. We can never be sure on the latter point unless we have been able to hold and observe the patient at least a day or two in advance. For example, in applying the well-known basal metabolism test it is necessary for the patient to come with an empty stomach. In case after case where

incredible results came of the tests we found that the mothers of defective children had given their little ones full breakfasts before bringing them to the laboratory. When taxed with this disobedience of orders they usually retorted that they wouldn't let their children go hungry for any doctor.

Even greater difficulty is encountered in the administration of the medicines. Either the patients only pretend to take them, refuse to take them at all as soon as they are out of the clinic, forget to take them part of the time, with the result of irregular effects or no effects at all, or they take the treatments faithfully for a short time and then drop them and do not return for observation and further treatment. These unfortunate men, women and children simply do not understand diseases which are not obvious. As soon as they feel even slightly improved they drop their medicine-taking and lose all the ground gained.

For these and for other reasons, such as the public safety in the case of dangerous criminal types, it is absolutely essential to detain the patients and to see that their treatment is correct and continuous, that their mode of living is suited to their diseases, that the treatment is varied or modified as results may indicate and that no deception is being practiced. Only in this way can medical science be sure of what it is doing and be able to produce the maximum results. The schooling of certain types must also be considered.

The keeping of complete records both at the clearing hospital and at the various places of detention bears an importance which may not appear on the surface. Every little while we read of some strange and enormous crime in the newspapers or have such a case referred to our attention either by the courts or some other official agency. The name of the criminal strikes us with a disconcerting familiarity. Have we not heard it before? Do we not know this individual? A consultation of the index and filing system has again and again revealed the to us familiar tragedy. This criminal was indeed referred to us ten, twelve or fifteen years earlier, when he was a child or adolescent. He was examined and found to be defective. Treatment was prescribed and begun. For a little while, either under the impulsion of his own sufferings or the pressure of parents or guardians, he continued the treatment and made more or less regular calls at the clinic. Then the suffering or the vigilance relaxed, our patient came no more, he took no further medicine, he was given no continued treatment. He wound up just where we might have predicted —in the death house or the cell.

DEVELOPMENT OF DISEASE CAN BE FORETOLD—A TYPICAL CASE

For fear it may seem a presumption to lay claim to the power of foretelling the destination of human beings, lest some may look upon this statement as something mystical or extravagant, let me recite only one of many instances of this kind.

A dozen or more years ago a Brooklyn tailor brought me his adolescent son for examination and treatment, having been directed to me by a judge. The boy was bright, pleasant looking, mentally active and in some sense personally attractive. He was in no sense feeble-minded or retarded. His history, as told by his parents, showed, however, that he had been committing small misdemeanors since his third year. He had constantly stolen little things, played truant, stayed away from home, remained out at night, consorted with older and corrupt street

gamins, conducted himself in a moody and enigmatic fashion, been a good student at school when he attended but had also been unable to continue long, had been sent to a truant school at ten years old and an institution at twelve.

We examined the boy and found him to be afflicted with a polyglandular disturbance which explained his conduct and deficiencies of stability absolutely. He was prescribed for and told to return. The records show, in fact, that he came at irregular intervals for three months, that his father reported improvement, but that after the end of that period neither the boy nor his parents came again.

When next we heard of this young man he was about 17 years old and had been sentenced to Sing Sing for a holdup. Following his imprisonment another young fellow was arrested for a burglary and our protagonist had made the confession in prison that he and not the man under arrest had committed the crime in question. The then district attorney in Brooklyn, now Judge Lewis, believed that our boy was assuming the blame to save the real culprit, who was his pal. He also was told that I had examined the convict boy years before. I was summoned to give an opinion as to the condition and credibility of the confessing convict.

I testified, to be sure, that the boy in question was unreliable and mentally irresponsible, in the sense of being glandularly disturbed. But I also told the court that unless the boy were treated and corrected he would sooner or later commit murder in the course of one of his holdups or burglaries. I also stated that the kind of gland disease from which he was suffering was progressive and that it led in time to a situation in which the sufferer was likely to commit violent crimes.

The boy went back to prison and completed his term. He was released at the end of a little more than a year and almost immediately committed a burglary and was resentenced, this time for five years. In April, 1923, the boy was released once more. In August he broke into an apartment in Jersey City and when the owner surprised him in the act he shot and killed his man, fulfilling the prediction with uncanny accuracy.

PATIENTS CAN BE CURED

This is, of course, the well-known Arnold Anderson case, which occupied so much space in the New York newspapers a few months ago, when the accused young man's own father took the stand and testified to his son's confession of guilt. Enlightened officials in New Jersey, acting on reports concerning the boy's condition, have lately been able to save this errant son of highly respectable parents from the electric chair.

Such a foresight into the probable future conduct of glandularly defective children is, as I have already said, not exceptional but common. These afflictions grow worse unless treated, they are often attended by well-established nervous and emotional phenomena and it is therefore possible to say years in advance what kind of actions the sufferer is likely to commit.

The fullest significance here rests in the fact that what can be foreseen can also be prevented. It is necessary to make two categorical statements here:

Had this boy continued his treatment under proper supervision he would not have become a criminal and would never have committed murder and ended his days in prison.

Had the boy been brought to us as a child, as soon as his peculiarities appeared, he could very likely have been normalized and made into a productive citizen.

One does not make such assertions brashly or without abundant assurance from experience. This matter is no longer in the experimental stage. There can now be little further question of the responsibility of deranged glands for much criminality or of the effects of such treatment as we are now able to give. In the last ten to fifteen years we have received and treated many hundreds of boys and girls and even adults who had shown delinquent or criminal tendencies or had already committed offenses of varying degrees of gravity, but who, after having taken the prescribed treatment faithfully over the necessary period of time, showed a complete absence of the precedent symptoms and have to date shown no further criminal tendencies. Putting it boldly, we have actually cured crime in these hundreds of authenticated and recorded cases.

It must be remembered that our facilities are meagre, the number of patients treated comparatively small and the machinery for handling them and controlling them ridiculously inefficient. So we may judge what the installation of such a system as I have suggested would accomplish, were it of adequate size and proper equipment.

We should, first of all, be able to save many thousands of children from lives of crime and inefficiency. In this way we could reduce the number of crimes, the number of incarcerated criminals, the property loss and the cost of maintaining prisons.

We should also be able to correct the troubles of many young men who had committed their first offenses, thus reducing the number of repeaters, chronic jail birds and hopeless recidivists.

With such a clearing hospital as I have suggested we should also be able to prevent the birth into the world of many defectives and deficients, the chief sources of the criminal armies. I have already said that glandular disturbance in the mother is the chief cause of defective and deficient children. With the spread of knowledge on this important point, mothers could be brought to the hospital in numbers, examined, tested, treated and normalized, thus scotching the serpent of crime before its coming into life.

THE BATTLE OF ALIENISTS

Finally, such a system as I have suggested would do away with the farcical spectacle seen at countless murder trials and other trials in the last generation—the so-called battle of alienists or experts. Certainly there has been no feature of judicial procedure in our time which has put both the bar and the medical profession into a worse light or taught the people more disrespect both for law and for science.

If the clearing hospital were in existence, with its various laboratories, not only murderers but other criminals would at once be sent there for detailed scientific examination and report. Such a report would be impartial and exact. It would be as accurate and helpful in the case of the poor man as in the case of the rich. It would not be made up of guesses, colored by the interests of the side happening to be represented by the testifying expert. Neither would it be haphazard or theoretical.

The clearing hospital examination would not be calculated to interfere with the powers and functions of the courts. It would, in fact, give judges and juries new information, correct information, and place in their hands an effective weapon to be used in the interest of exact and humane justice.

It is hardly necessary to call attention to the absurdities of the present lunacy commission plan as now effec-

tive in New York and other states. A doctor, a lawyer and a layman constitute such boards, according to the law. They sit, take testimony and file their report. The doctor is not always a competent alienist. Why either a lawyer or a layman should sit as a judge in so technical a matter as the determination of another being's sanity is even less comprehensible to a technician or anyone else familiar with the problems of psychiatry.

All this could be done away with under the plan I have proposed. The director of the great clearing hospital in any of the chief cities would presumably be a man of the very foremost rank, since he would be in charge of an institution whose importance to every member of the community would be past present estimation. His assistants should be and with proper management would be younger medical men bent upon serious scientific attainment, such men as would gladly be associated with a medical project whose importance and influence would surpass anything in scientific history. From such a corps the state could hope to get competent and reliable information, genuine public service. Judgments in lunacy from such an institution could be relied upon to do away with the present farcical confusion and pathetic, often tragic, blundering.

PENOLOGY MUST GIVE WAY TO MEDICINE

Personally, I believe that some such plan as has been outlined here will be forced upon the American commonwealths by events. When we consider that more than one fourth of the total income of the states is now devoted to the care of prisoners, the insane, the feeble-minded, the delinquent and other incompetents; when we are forced to observe that there are still not nearly enough institutions, not half enough doctors and nurses and most inadequate pay; when we see the numbers of criminals, madmen and defectives mounting year after year, we cannot fail to be impressed with the bankruptcy of the old methods and convinced of the downright necessity of a preventive program to take the place of the antiquated systems of punishment by imprisonment or otherwise.

To bring about this change we shall have to educate the public to fresh conceptions. We shall have to put the whole thing upon a medical instead of a penal footing. It will no doubt take time to bring this about but in the end even the humblest man will have to make the transvaluation. The old concept of crime and punishment will gradually give way to the scientific conception of human behavior regulated by the bodily mechanism.

Two of the first direct steps in this general educative program will have to do with parents and their children. We must teach parents immediately to bring their children to hospitals properly equipped for the study and treatment of glandular and nervous maladies at the very earliest and subtlest suggestion of abnormality or maladjustment to environment. Fathers and mothers will need to be shown that peevishness, strangeness, incorrigibility, slow development and many other phenomena in children are the first symptoms of a pathological condition, the earliest manifestations of those defects of mental and nervous function which lead to the asylum, the prison and the gallows unless immediately and consistently treated and corrected.

At the same time it will be necessary to convince mothers everywhere that the control of defectiveness is largely in their power. If they can be brought to the point of consulting a competent

physician immediately upon the appearance of the signs of gland disturbances, which often manifest themselves in emotional and nervous upheavals, these ills can be corrected and their dire results prevented. Especially if such gland troubles are present during pregnancy is the danger great.

Once a clearing hospital has been established all mothers would be free to apply there for this tremendously important preventive medication. The hospital would act as an institution to forestall the production of defective children, to correct the defects of those already born, to normalize older children, adolescents and adults already on the road to destruction, to examine and reconstruct criminals and by all these methods to stop the increase and begin the reduction of criminality.

VICE IN ATLANTIC CITY

WHY NOT SAFEGUARD THE WORLD'S PLAYGROUND?

BY GEORGE E. WORTHINGTON[1]

Department of Legal Measures, American Social Hygiene Association[2]

Another article in our series on the municipal treatment of vice.

ATLANTIC CITY holds itself out as the greatest resort city on the globe—"The Playground of the World." The rest of the United States and the world, therefore, has an interest in Atlantic City's problems. That Atlantic City's problems with reference to prostitution are especially difficult may be surmised from some of the other statements which are contained in the publications which advertise that municipality. For instance, it has 1,200 hotels of all sizes, a permanent population of 50,682, an annual average population of 100,000, an average daily August population of 300,000, and about 10,000,000 yearly visitors. The problem of the transient in connection with prostitution has always been a difficult one. That a satisfactory answer can be given, however, has been shown by both New York and San Francisco. Both these cities have an acute transient problem. To Atlantic City, however, belongs the distinction of having the greatest transient population in relation to its permanent population of any city of importance in this country. This may be offered by way of mitigation, but not as a defense, for the open vice conditions which exist there today.

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[2] The author desires to thank Mr. Frederick H. Whitin, secretary of the Committee of Fourteen, and Mr. Raymond S. Patterson of the New Jersey State Department of Health for their co-operation in furnishing material for this article.

Editorial Note. Mr. George E. Worthington was selected to prepare the above article because of his wide experience in the study of such conditions in many cities throughout the country both during the war and since. He was an officer in the Sanitary Corps of the Army and assigned to an important part in the work of the Commission on Training Camp Activities, which did so much to maintain clean environments near army camps both here and in France.

Mr. Worthington is an associate in the Department of Legal Measures of the American Social Hygiene Association, the national organization which has taken a leading part in advancing knowledge of social hygiene and in securing the adoption and effective administration by various national, state, and municipal governments of its various programs.

EFFORTS TO CONTROL LATE IN STARTING

The late James Bronson Reynolds, in the October, 1923, issue of the NATIONAL MUNICIPAL REVIEW, in an article entitled "A Revolution in Morals,"* indicates the changes undergone in public opinion on the subject of prostitution during the last twenty-five years. Most American cities have experimented with segregated vice districts, and have abandoned that policy during the last ten or fifteen years. The movement for improved conditions with reference to prostitution in Atlantic City, however, did not gain headway until well after the entrance of the United States into the World War in 1917, and the impetus for this change came largely from without. It is true there was in existence prior to 1917 an organization known as the Law Enforcement League. Present information indicates that its activities at that time were largely concerned with the enforcement of Sunday closing laws rather than prostitution laws. They did, however, in the summer of 1916, write to national and local organizations for information with reference to the success of repressive measures in other cities, indicating that a movement was contemplated by the league to take steps to close the red-light district in Atlantic City. Their plans apparently did not come to fruition, however, for reports in 1917 indicate that a large red-light district was in operation at that time. An affidavit attached to a red-light injunction and abatement action, dated January 6, 1918, states that the deponent on that day investigated conditions in the red-light district in Atlantic City. The deponent states that the district was located on both sides of North Carolina Avenue between Arctic and Mediterranean Avenues. "That on Sunday night, January 6, 1918, we stopped Police Officer No. —, on duty in Atlantic City near North Carolina Avenue, and asked where the red-light district was, and were directed to North Carolina Avenue between Arctic and Mediterranean Avenues, and were told: 'Any of them along there.' We stopped in a drug store the same night and asked the clerk where the red-light district was, and were told in reply: 'Why, over on North Carolina Avenue.'" The affidavit then gives detailed information of the investigator's visits to many of the houses in that vicinity and recites evidence to prove the existence of the red-light district. It may be interesting in passing to note that some of the same places reported in that affidavit of January, 1918, as then operating as houses of prostitution, were shown by the under-cover report of a state department as still in operation between July 4 and 6, 1924.

INJUNCTION AND ABATEMENT LAW DEFEATED IN THE COURTS

Mention already has been made of the Injunction and Abatement Law. This law was enacted by the New Jersey legislature in 1916 (Chapter 154, Public Laws, 1916). This was a civil proceeding in a court of chancery, providing for the abatement, in a suit brought in the name of the state, either by a private citizen or the prosecuting attorney, of a public nuisance, labeling houses of prostitution as such nuisances, and enjoining the owners, lessees, keepers, and inmates from maintaining the same. This act was amended by the act of March 4, 1918 (Public Laws, page 739) which added to the category of acts mentioned as nuisances the habitual unlawful sale of intoxicants.

To secure the enforcement of this law, investigators, under the direction of Frederick H. Whitin, secretary of

the Committee of Fourteen of New York, acting in co-operation with the Commissions on Training Camp Activities of the war and navy departments, secured evidence between August, 1917, and January, 1918, and six injunction and abatement actions were brought, four of which were contested. Temporary injunctions were granted in all cases. In the two uncontested cases the owners, who controlled property on which were located ten resorts, closed all of these places upon their own volition. Thereupon, Mr. Whitin reports, the city authorities directed the closing of the entire district. This was effected in March, 1918. Judgment was rendered against the defendants in the four contested actions, and appeals were taken in all cases. Three of the appeals were dismissed on technical grounds. In the fourth case the appeal was successful and the injunction was set aside on the ground that proper proof of ownership had not been made. These, however, together with subsequent actions which were begun, had the effect of keeping closed, at least for the war period, houses of prostitution in Atlantic City.

In the early part of the summer of 1919 the law enforcement activities which had been carried on during the war under the auspices of the war and navy department Commissions on Training Camp Activities were taken over by the United States Interdepartmental Social Hygiene Board. About the same time another event having a most important bearing upon the situation occurred in the decision of the New Jersey court of errors and appeals of June 20, 1919, which in the case of *Hadden* v. *Hand* (107 Atlantic 285) declared unconstitutional the New Jersey Red-Light Injunction and Abatement Law. This decision is unique in several respects. First, it is the only decision that has been rendered by an appellate court in the United States declaring a red-light injunction and abatement law to be unconstitutional. Second, the court, in its decision, utterly ignores the decisions in more than a dozen other states and of the United States supreme court, upholding the constitutionality of almost identical statutes. With reference to this decision, one of the attorneys concerned with the appeal writes as follows:

> Your surprise at the outcome of the suit is no greater than mine, and that of the eminent counsel who assisted me in the preparation of the briefs. Two causes, I think, conspired to produce the result. First, the original act, applying only to disorderly houses, was amended to include violations of the laws concerning intoxicating liquors. . . . Secondly (and this seems to me to be the gist of the opinion) we had to contend with the perennial jealousy of the supreme court judges (who make up the majority of the court of errors and appeals) of the growing jurisdiction of the court of chancery.

That this interpretation seems to be borne out by the decision is indicated in the following language of the court at page 290:

> What we are met with is a legislative attempt to abstract from and to shear the supreme court of its common law power and prerogative right vested in it by the constitution, and an attempt to transfer to and settle such power on a court of equity. This surely cannot be lawfully done.

CONDITIONS FOLLOWING ADVERSE DECISION

The effect of this decision was almost immediate upon the underworld of Atlantic City. The criminal laws on the subject of prostitution were notably inadequate, the only state law remaining on the subject being that of the common law relating to nuisances, which is most difficult of enforcement.

An Interdepartmental Social Hygiene Board report, dated June 23, 1919, contains the following statement:

"Atlantic City is becoming bad." Another report, dated July 28, states: "Agent reports that Atlantic City is beginning to open up." Another report, dated August 7, states: "Atlantic City seems to be the only city in New Jersey needing immediate attention. Agent reports that there seems to be no doubt that the old red-light district will be reopened."

A report dated October 6, 1920, indicates that several houses in the old district on North Carolina Avenue had reopened. A report dated July 31, 1921, shows the existence of at least six open houses of prostitution and also unsatisfactory conditions in several cabarets.

On June 30, 1922, the field staff of the United States Interdepartmental Social Hygiene Board was discontinued, and we must turn to other sources for information.

In the meantime, in May, 1922, an under-cover investigation was conducted by the New Jersey state department of health which showed the existence of sixteen open parlor houses of prostitution in the 200 block of N. North Carolina Avenue. Copies of this report were delivered to the Atlantic City authorities by representatives of that department.

In July, 1922, a series of articles appeared in the New York *Daily News*, exposing vice conditions in Atlantic City.

A reinvestigation by the health department in August, 1922, indicated that the district had been closed. The report states: "On Friday, August 16, 1922, members of the state constabulary, accompanied by local police officers, raided two houses of prostitution and warned the occupants of other resorts to discontinue business and to leave the district. The raids occurred between the hours of two and five P. M., and but six arrests were made, including two madams and four inmates." In speaking of this raid, a member of the underworld gave the following information to the investigator:

> Word came to us a week before the day of the raid to be on the look-out, that Trenton was raising hell and we could expect some of the state boys down to help our boys close us up. Figure it out for yourself. They raided in the afternoon and all the girls, with the exception of those they caught, were bathing. They tried all the houses but got no answer, and when they found that there was actually somebody in two of the houses, why, they broke in the doors and arrested the girls and two of the madams. The bunch that are running things in this town are so good that they don't come any better. They didn't want to close us up but they had to come through when the crowd at Trenton asked them. We shut down when we got the word, and now we are waiting to open. It's a gold mine down here. . . . I've made mine down here in the last three years and to tell you the truth, after this season is over I don't care if they continue or if they don't.

Speaking of the article above referred to in the New York *News*, the underworld informant said:

> The *News* has a big circulation in Atlantic City, and naturally the local papers copied part of their stuff. That stirred them up and the publicity, along with the crowd at Trenton, made our bunch comply with the order to close. Now after this storm is over, we'll be back and going full speed again.

Another factor which should have a bearing on the law enforcement situation occurred in 1922 in the enactment by the New Jersey legislature of a vice repressive law (Chapter 240, Public Laws, 1922), which punishes as a misdemeanor the keeping or operating of any place, structure or vehicle for the purpose of prostitution; occupying any such place or vehicle for such purpose; receiving anyone thereon for such purpose; directing or taking anyone to any such place for such purpose; procuring or soliciting for such purpose; residing,

entering or remaining in any such place or vehicle for such purpose, or engaging in prostitution. It also contains the following definition: "The term prostitution shall be construed to include the giving or receiving of the body for sexual intercourse for hire and shall also be construed to include the giving or receiving of the body for indiscriminate sexual intercourse without hire."

This law apparently strikes at all of the conditions under which prostitution is carried on at the present time and penalizes not only exploitation but also the activities of the prostitute and of her customer. It is based on a law drafted by the government during the War, and is similar to the enactments of a dozen other states since 1919. The machinery was thus provided for suppressing at least the outward manifestations of prostitution.

RESULTS OF UNDER-COVER INVESTIGATION

The next information with reference to Atlantic City conditions is contained in an under-cover investigation report of the New Jersey state department of health dated June 23–26, 1923. A portion of this report reads as follows:

> Atlantic City's segregated district consists of 11 houses of prostitution in which are harbored 35 inmates and was reopened for business on June 23. Each house is presided over by a madam or her housekeeper. The inmates share 50 per cent of their earnings with the madam and in addition the inmates pay a weekly room and board fee. . . . Many of the inmates were brought over from Philadelphia by the madams. . . . Shortly after the opening of the district the usual stream of customers was seen visiting the various houses. It is the concensus of opinion among the madams and inmates that this year will be a banner year for them. They are confident that they will not be interfered with by the local authorities.

The report also describes deplorable conditions found in the cabarets, especially the "black and tan" ones. This information was brought to the attention of the appropriate authorities in Atlantic City on September 1–3. A reinvestigation was had which showed the existence of 11 open houses of prostitution in the red-light district in which a total of 38 inmates was counted by the investigator. Conditions in the cabarets were, if anything, worse than those reported in June.

THE PRESS TAKES NOTICE

These conditions received considerable comment in the press throughout the country. The Atlantic City *Evening News* of Thursday, September 27, 1923, contains the following statement:

> RESPONSIBILITY FOR BAD ADVERTISING IN PAPERS LAID ON OFFICIALS
>
> Trenton, Sept. 26—It was learned here today that all of the "bad advertising" which Atlantic City recently suffered in Newark and other newspapers was due to the fact that the resort committed the same old blunder of failing to prevent the North Carolina Avenue segregated district from flourishing last summer.
>
> The press correspondent has seen official records, procured as public property from a bureau in the state department of health, which is operated jointly by the state and by the federal government, disclosing—
>
> First, eleven vice dives were opened in the 200 block on North Carolina Avenue early in the summer.
>
> Second, that state investigators visited these dives and obtained evidence on June 24 last and again on September 1, 2, and 3; and that on and after September 6 all closed, save one, and a café which is alleged to be engaged in the same traffic.
>
> Third, that on June 7 last, the director of the state department of health wrote a letter to the mayor of Atlantic City, calling his attention to the fact that Dr. A. J. Casselman proposed to state in his annual report of the bureau of venereal disease control that Atlantic City was one of the two cities in the state which allowed a recognized vice district—the other being Paterson; and the director asked the mayor to state that the district would not be allowed to remain open in order that he might ask Dr. Casselman to omit the name of the city from his report.

Fourth, that on June 9 the mayor replied to the director, stating that local police had always co-operated fully with the state representatives; that orders had been given some time previous to close up the segregated district; that two dives were raided only that week; and that the mayor did not want the director to omit any evidence he might have in his annual report to the governor.

Fifth, that another letter was sent to the mayor from the state director on June 29, giving results of an investigation in Atlantic City on June 23 and 24, two weeks after the letter from the mayor, stating that orders had been given to close the segregated district, and calling again for a statement of the mayor's intention to close the district permanently. This letter included a statement by the investigators that the segregated conditions were at that time considerably worse than they were during a previous inspection in August, 1922.

Sixth, that on July 9 the mayor wrote to the state director that "Everything humanly possible to be done has been done and is being done," and suggesting that a state representative call.

Seventh, that twice during July and August Dr. A. J. Casselman, consultant, and R. S. Patterson, chief, of the federal-state bureau, called on the mayor and director of public safety of Atlantic City, each time receiving promises that the district would be closed.

Eighth, that the state records show the district continued to flourish, the resort authorities apparently being powerless to get the police to act, and that then the state department of health appealed to the governor; that the prosecutor of Atlantic County was asked to take action, and ordered raids. . . .

THE "WHY" OF "BAD ADVERTISING"

The correspondence on file—and a part of the official records of the state—provides an interesting insight into the causes of "bad advertising" which Atlantic City frequently receives. In this instance, apparently, the whole of Atlantic City, with its many legitimate interests, clean attractions, big enterprises and wholesome community life, was made to suffer in the press of the state and country because the resort failed to suppress not more than two dozen backtown divekeepers who make a habit of coming here in the summer and preying upon Atlantic City's reputation by commercializing vice.

One of the documents on file here states that when Prosecutor Repetto raided he found most of the places closed and declares that the proprietors were "notified in advance." It continues to say that the prosecutor did succeed in having one defendant indicted, but that as soon as she was released under heavy bail, she immediately reopened the dive.

The records state that all of the dives in the segregated district, save one, were closed tight on September 6—before the pageant—and have remained closed ever since. One café, which the state investigators charge with being as lawless as the segregated district, is still open, it is claimed. In fact, the records name several cabarets and small hotels on the north side of the city as being in the same vicious class as resorts of the segregated belt, and cite addresses, names and specific instances. Rooming houses of doubtful reputation are also specified.

In the reports of state investigators are several alleged conversations with divekeepers which are of the most sensational character.

LOCAL NEWSPAPERS NOT INDIFFERENT

An editorial containing very much the same material appeared in the Atlantic City *Daily Press*, of the same date. This editorial, among other things, contains the following statement:

How absurd and unfair that a great, big, fine institution like Atlantic City should be embarrassed and injured with detrimental publicity, simply because we are foolish enough to tolerate a handful of outside divekeepers who come here and conduct a segregated vice district! . . .

It is seen that this police surrender to scarcely a corporal's guard of crime is the basic cause of at least one national criticism of Atlantic City—perhaps many, or all of them. As a good business policy for municipalities this is surely not impressive.

No question of "sane liberality" is involved; be not confused by that. Ninety-nine per cent of the people who live in Atlantic City, ninety-nine per cent of the people who visit Atlantic City, perhaps more, do not know it when a segregated vice district is operating; its existence or non-existence means nothing directly to them, except from the general moral viewpoint of course. Nor is it at this time necessary to involve as an issue the moral aspect of the situation; that, too, is irrelevant.

The sole point is that to permit a handful of vice-purveyors, outcasts from other cities, to come here in the busy season and create a condition which supplies the basis for outside attacks on the morality and good name of Atlantic City—a corporation of many million dollars annual turnover, is business folly of the worst kind.

If local police authorities are incapable of dealing with the situation, as the evidence at Trenton would seem to indicate, it will be necessary for the legitimate business and property-owning interests of the resort to take a hand another summer, and see to it that they provide the police service which this city demands and is entitled to have. They have enough at stake to make this determination worth while.

Similarly the Atlantic City *Union* of September 8, 1923, states editorially:

. . . It seems that the state authorities make repeated protest against the flourishing northside district but the police were unable to cope with the situation. Why? Surely a police department should be so constituted as to rid a community of undesirable elements. Can it be that because of incompetence such a move could not be taken? It is to be regretted that so much publicity was given existing vice conditions here. It is not good for the resort to get the reputation of being "loose." Laxity in the enforcement of rigid moral laws always proves a boomerang.

A state health department report of May 2–4, 1924, reads as follows:

During this time I visited a number of houses of prostitution in the 200 block of N. North Carolina Avenue, previously reported as operating with white prostitutes, and found them temporarily closed. I was told that they had been closed since the first of the year, due to the activity of the Grand Jury, which is expected to cease in about two weeks, after which time the keepers expect to reopen for the season.

Three open houses were found on N. North Carolina Avenue and five others were found near by. Conditions were reported not to be as bad in the cabarets as previously. Predictions made to this investigator seem to have been accurate, because a report made for the state department of health, July 4–6, 1924, shows that sixteen houses of prostitution were operating full blast in the district, and the conditions in cabarets were found to be even worse than those reported upon in the previous year.

The foregoing review of reports shows a series of closings and reopenings of the segregated district. It shows a cowardly underworld, on the one hand, quick to run to cover, and easily closed upon any exhibition of determination on the part of the authorities. It shows, on the other hand, a vacillating policy on the part of the authorities, an ostrich-like attitude, and a failure in law enforcement where it would have been doubly easy because of the co-operation rendered by an interested state department.

WHAT THE AUTHORITIES SAY

What account do the authorities give of themselves? Interviews were had by the writer with the mayor, chief of police, the assistant prosecutor (in the absence of the prosecutor), and the city recorder. All claimed ignorance of the existence of a district or even of open prostitution. The mayor said: "Our policy is to prosecute them every chance we get. The chief has orders to that effect." The chief informed me that the houses are closed every time that he finds that they have reopened, but he said: "I don't permit any of my men to secure evidence against sporting houses." The chief further stated that his difficulty lies in the fact that when prostitutes are brought up before the recorder only small fines are levied, and the prostitute is turned loose only to repeat the previous performance. (There is much to be said of the futility of fining in prostitution cases. It is a practice which has been abandoned in New York for more than a decade.) The recorder was interviewed after the conference with the chief of police, and he

seemed to treat the whole matter with considerable levity. For the purpose of verifying the statement of the chief with reference to the reported practice of giving small fines, and of determining just what disposition was rendered in prostitution cases, a request was made for permission to examine the docket for a specimen period. Permission was at first flatly refused. Later the recorder stated that the examination might be made a week later. The recorder was informed that this would be impossible, but he remained arbitrary. He gave the absence of the clerk as a reason, although the assistant clerk was present and had the docket open. Inasmuch as the recorder furnished no evidence to the contrary, the writer must assume that the statement of the chief with reference to fining is correct. The recorder stated that the women who came before him were mostly street walkers and that he had jurisdiction to pronounce a sentence in the county jail for not exceeding 390 days as well as the option of assessing a fine.

Violations of the Vice Repressive Law, above quoted, are prosecuted in the court of common pleas. A record of all such cases is therefore contained in the docket of the prosecutor of the pleas. Access to this was freely given. Between April 1, 1923, and July 8, 1924, forty-two cases have been entered, including keepers and inmates of houses of prostitution. All but four were indicted by the grand jury. Of the 38 indicted, 11 had been tried prior to July 8, 1924. Of the 11 tried, three were convicted, and of the three convicted, sentence was suspended in the case of one disorderly housekeeper, another received two months in the county jail and the third received eight months in the county jail. In passing, the writer cannot refrain from remarking that the good citizens of Atlantic City might be interested in learning the name of the defendants' attorney in some of these cases.

An examination of the prosecutor's docket was made, from the time the Vice Repressive Law went into effect in 1922 to July 8, 1924, to determine whether or not the law had been enforced against the customer of the prostitute. Not one case of this nature could be found.

VICE FIGURES IN ELECTION

What is Atlantic City going to do about it? The underworld admittedly still seems to be strongly entrenched and figuratively is thumbing its nose at those who desire to improve conditions. In January, 1924, a small publication appeared, entitled "The Atlantic County Good Citizen." It purports to be the official organ of the Atlantic County Clean Government League, and states that it is published every Thursday. It apparently took an active part in a recent election in which a candidate for the office of mayor, running on a clean government platform, was defeated. A number of prominent citizens, who are interested in better government, were interviewed. They feel that hope lies in the organization of a non-partisan committee, composed of representative citizens, who will sponsor a thorough and exhaustive survey of vice conditions in Atlantic City, which will place responsibility therefor where it belongs, and whose members will keep informed on the efficiency of the police, courts, and other agencies involved, and will take such steps as are necessary to see that these laws are enforced, and that the law enforcement machinery runs smoothly. With such a program carefully laid out and conscientiously and intelligently carried on, the "World's Playground" would become a cleaner and safer one.

RECENT BOOKS REVIEWED

GOVERNMENT AND POLITICS OF BELGIUM. By Thomas H. Reed. New York: World Book Co., 1924. Pp. xv, 197.

To the new series of Government Handbooks, edited by Professors Barrows and Reed and already including volumes on Canada, Switzerland, France, and the German Empire, an important addition is now made by Professor Reed's *Government and Politics of Belgium*. Indeed it may well be described as the most indispensable unit of the series, for other works in English are available on the countries dealt with by earlier volumes whereas "it is a fact, lamentable if not surprising, that no English or American writer has devoted more than a few pages to the systematic exposition of Belgian government and politics."

Professor Reed has cultivated this neglected field with admirable thoroughness and yet garnered his fruits into such brief compass that not only the student but he who runs may read and partake of the harvest with profit. To the author Belgium is not the "piteous corpse" of the four terrible war years but a "creature tremendously alive," and *par excellence* "a land of experiments," "the social laboratory of Europe." Most of the studies on which the book is based were made in residence, beginning with the winter of 1922. Professor Reed discusses first the land, languages, and people; follows this introduction with an excellent historical survey; and then takes up in order the constitution; electors and elections; the chambers; king, ministers, and administration; justice; local government; and political parties. A better conception of the wealth of suggestive topics which he treats may be gained by listing the principal political experiments which constitute the essence of Belgium as Professor Reed sees that country. These include the action taken in dealing with the terribly confused and perplexing language question; the extreme freedom of the press; the plural voting experiment which lasted from 1893 to 1919; proportional representation with an admirably lucid exposition of the d'Hondt system in effect since 1899; compulsory voting beginning in 1893; co-optation in choosing twenty-one out of one hundred and fifty-five senators; and finally the high development of political party organization and life.

While in general extremely sympathetic, Professor Reed does not fail to point out the shadier aspects of Belgian government and politics, as, for example, the devotion of administrative authorities to what the French call "*paperasserie*," *i.e.*, the multiplication of official papers and interminable correspondence with consequent delay in handling public business; the failure of the judicial system to protect citizens against the state and its agents; the use of party influence in matters of appointment and promotion; and the defects of Belgian city government which the author surveys with the trained eye of the actual administrator. No doubt we have much to learn from Belgium, yet we may be thankful to be spared the religious question in politics and the bitter language differences which go so deep as to threaten the unity of the country. Professor Reed's account of the latter is particularly illuminating, absolutely free from prejudice, and optimistic, for he concludes: "There *is* a soul of Belgium, battle-bred, whose spiritual accents dominate the chattering of French or Flemish partisans."

Among so much that is excellent it is hard to select any one feature as pre-eminent. Perhaps it is the personal predilection of the reviewer which determines a decision, but to him at least the concluding chapter on political parties seems of transcendent interest. Thoroughgoing as our American political organizers have been they have missed many methods, not only effective but wholesome as well, which Belgian party leaders have put into practice. Thus after looking out for his interests from birth and through childhood the Belgian Socialist "when he starts to work joins a Socialist union and insures in a Socialist mutuality. He eats Socialist food, wears Socialist clothes, sleeps in a Socialist bed, spends his evening in a Socialist café or cinema, reads a Socialist paper. When he is ill, he finds relief in a Socialist clinic from a Socialist doctor who prescribes medicines which are compounded in a Socialist pharmacy. Finally, he sinks to rest in the blissful consciousness that his children will be even more Socialist than he." Vivid as is this summary the reader must consult the chapter as a whole to gain an adequate idea of the prescience and providence of the Belgian party for its members.

Admirable in its sense of proportion, copiously supplied with foot notes to the literature of the subject (nearly all of it in French), rich in illustrations and comparisons drawn from the experience of other countries, particularly the United States, excellently written in terse and vigorous English, and fully indexed, Professor Reed's book completely meets the need not only on teachers and students of government but also of publicists, editors, and men of affairs generally.

ROBERT C. BROOKS.

Swarthmore College.

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PROBLEMS OF PUBLIC FINANCE. By Jens P. Jensen. New York: Thomas Y. Crowell Company. 1924. Pp. 589.

It ought to be said immediately that as a text for American undergraduate students of public finance this is by long odds the best book available. The whole field of public finance, divided into the well known quartet of public expenditures, public revenue, public credit and fiscal administration, is covered in quite adequate detail. The principles are illustrated from existing taxes in this and other countries. Such of these taxes as are important are fully described. The writer gives evidence of being able to distinguish between bulls'-eyes and buncombe, and this is more than can be said of certain of his predecessors in this field. Not that the book is highly erudite but that, in the main, it is thoroughly sensible. Its defects seem to the reviewer to be: (1) a failure to bring the treatment of public expenditures into the realm of reality, (2) a general lack of decision. The first of these defects is common to most books on public finance and cannot be remedied without coming to a consideration of specific activities on the border line between public and private business with the reasons for and against the one and the other methods. The second defect is due to an undue zeal for judiciality. It is the reviewer's conviction that for immature students a considerable amount of dogmatism is necessary. Unless a definite position pro or con is taken on any given issue, such students will come away from the study with a shimmery impression which makes for infirmity of purpose when the need for action arises. In this connection certain points of principle might well have been more strongly emphasized. There is no doubt, for instance, that many of our greatest difficulties in taxation arise from the failure to distinguish between such property and income as is purely positive and that in which the positive and negative aspects (assets and liabilities) compensate one another. To illustrate. An unencumbered business site is purely positive property, a mortgage on such site is an asset to the mortgagee and an equal liability to the mortgagor. The receipt of dividends on shares of stock in a corporation is an asset to their owner but his right to those dividends is a liability of the corporation. The logical inferences of this distinction with regard to property and income taxes are not as clearly drawn by Professor Jensen as they should be.

But these are defects chiefly of emphasis and the book is so much superior to those with which American teachers have been hitherto forced to get along that it seems churlish to insist upon them. Most of us look for better bread than can be made of wheat but judged by a more reasonable standard this book must be held to constitute a satisfactory performance.

FRANK D. GRAHAM.

Princeton University.

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POLITICAL PARTIES AND ELECTORAL PROBLEMS. By Robert C. Brooks. New York: Harper & Brothers, 1924. Pp. 638.

By this handsome volume of 638 pages Dr. Brooks has put all students of his subject, and that should mean most of our voters, under obligation to his industry, scholarship and inspiring power as a teacher. No end of articles, editorials, essays and speeches will be helped along by selective use made of the materials accumulated herein from the author's twenty years of professorial work. The mass of facts set forth is both serviceable and appalling, especially as one realizes how continually the abundant notes and references lead a reader out into cosmic areas of data.

The basis of the book is historical and factual. Parties exist in the modern monistic state and are concerned with nominations, campaigns, elections and administration. Generalities get only 44 pages in Part I, "Nature and Activities of Parties Generally." The rest of the volume is within the United States. The "Development of Parties to 1920" claims 92 pages, two-thirds being devoted to the years since 1904, and is of course a summary sketch of main facts with valuable references and suggestions. Chapter VII, "Minor Parties and Their Platforms in

1920" is over a third of this second part and testifies to Dr. Brooks' conscientiousness as a dissenter.

Part III, "Present Conditions of Parties in the United States," runs to eight chapters and 288 pages, and is a book in itself. Herein the author lays down his most effective barrage of fact. Philosophy is what may seem lacking. The reviewer is not able to reconcile the definition of a political party (p. 34) with the need of changed personnel (p. 174) and with the definition of a political boss (note p. 198). The general principles of Part III seem both limited and antiquated by comparison with the scope and timeliness of the facts presented. It may be that in politics we Americans are more disposed to heap up facts than to learn from the facts, especially if these latter run counter to our own predilections.

Part IV devotes 160 pages to "Problems of Party Reform." A great deal of what is here wanted seems to require rather the reform of our tangled election methods and administrative organizations. Perhaps the author has too much of our American joy in devices and our equally American disregard in politics for the nature of human nature. No doubt man is a political animal but is he or she a political trained seal and able to live by exhibitions of skill?

The American voter carries a vastly heavier burden than any other. This is not made clear in the short ballot argument. Also, our voters are not, at present, given sight of results that they can get by going to the polls. Voting is a duty (p. 545) but hardly the duty of doing post-graduate work in political science. To one reader at least the chapters on proportional representation, initiative, referendum, recall and civil service, seem to make faint any hope of active participation in politics (chapter XX) save by a small and very conscientious minority.

This book is written primarily for use as a text and cannot be ignored in any live course on government. But some day Dr. Brooks will write on the American voter's work and will give a clearer line on the betterment of our political ills.

W. L. Whittlesey.

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Suburban Transit Problem. Report of Daniel L. Turner, Consulting Engineer to the Transit Commission of New York; 1924.

In authorizing this study the Transit Commission stepped somewhat outside of the immediate scope of its office as a New York state body for regulating, planning and helping to expand the transit system of New York City; but the need of initiative in the subject matter, and its vital relation to urban transit is so great that the study is to be welcomed. It ties in chronologically with the Plan of New York and its Environs being prepared in connection with the Russell Sage Foundation. Geographically it covers an area of 40 miles radius, embracing parts of Long Island, Connecticut, New York state north of the city, and New Jersey. The suburban railroad traffic in this area, into and out of New York city, is stated to be 20 per cent of all the steam railroad traffic in the United States; the number of suburbanites daily entering and leaving the city are estimated at 550,000 now and 1,000,000 in ten years. To handle these it is proposed to connect the existing suburban railroads with a loop system carrying the trains directly into Manhattan Island and delivering the passengers close to their destinations, thus eliminating a great amount of terminal congestion and supplementing and relieving the existing city subways. Without equipment, the scheme calls for half a billion dollars, in financing which a pay-as-you-go policy is urged, with annual assessments on the states, counties, and railroads benefited, for eight years. The total cost with 25-year bonds is given as nearly twice as much; and as a further argument for the short plan the warning is given that the next generation will have its own similar problems and should be left free to handle them.

An incidental but far-reaching suggestion in the scheme is for two new 120-foot north-and-south streets in Manhattan, one on each side of the island, with subways for the suburban loop system underneath, and an upper deck for express motor-car traffic, the two decks for vehicles adding 36 traffic lanes, or 42 per cent, to existing street capacity north and south.

The plan is a bold and comprehensive one. It calls for difficult co-ordination among many political units, which in itself would be a notable achievement for all concerned—the more notable if along with such a scheme of efficient transportation and effective "relief" there would result some concerted action to cause a slowing-down of the vaulting statistics of travel, congested populations and centralized activities, and a measure of control over the social- or anti-social-forces that further such conditions and make relief appallingly necessary.

H. M. Olmsted.

SUMMARY OF ANNUAL REPORT OF TRANSIT COMMISSION OF NEW YORK FOR 1923.

This report reveals a considerable degree of progress in the New York city transit situation during 1923—the carrying on of extensive rapid transit construction, affecting several lines; the elimination of the corporate deficits, for the combined transit system, which had been reported in each of the preceding four years; the reorganization of the Brooklyn Rapid Transit system and the lifting of the company's receivership, being among the outstanding events. The annual rides per capita have continued to increase, reaching 439 in 1923 as compared with 43 in 1860. A measure of co-operation between the Transit Commission, a state-created body, and the Board of Estimate, the city's governing body, was obtained during the year, but has not been continuous; the precarious nature of a situation charged with conflict of power and responsibility as between state and city has remained evident.

H. M. OLMSTED.

ITEMS ON MUNICIPAL ENGINEERING

EDITED BY WILLIAM A. BASSETT

Comparative Street Occupancy by Buses and Trolley Cars.—A comparison of the amount of street space occupied by different types of buses and trolley cars and their relative passenger seat capacities, made in connection with a recent study of transit conditions in certain European cities, discloses information that should be helpful to American communities in meeting their local transit problems. In general, buses and street cars of the double-deck type were found to be the most economical users of street surface space when compared on a passenger seat basis. The report states that the double-deck trolley used in New York city occupies forty-eight per cent more space than the type generally used in London. Also that the Peter Witt single deck type of car, used largely in Brooklyn, occupies 2.43 times the roadway space and 2.19 times the stream-line space per passenger seat that the London double-deck car does.

As pointed out in a recent issue of *Bus Transportation*, these figures would indicate that New York is not giving consideration to economy of street space used by its street cars, although there is much talk about the necessity of having to provide additional thoroughfares for the increasing highway traffic.

The above comparisons are on a seat basis, because abroad regulations require that only a relatively small number of passengers are permitted to stand, even during rush hours, whereas in New York city cars are designed to carry a considerable number of standees. The policy of carrying standees to the limit in New York has resulted in the design of a type of vehicle that is most extravagant in the use of street space. This policy ought to be changed and the production of a type of car along the lines of the New York Railway double decker, that will utilize the roadway space more economically, should be compelled.

With regard to buses the latest type London bus seats fifty-four passengers and requires 3.24 square feet of roadway area per passenger seat, and 0.46 lineal feet of stream-line space for each individual seat. The single-deck London bus, which is not yet in general use, has seats for forty passengers and occupies 3.91 square feet of roadway area and 0.56 feet of linear space per passenger seat.

Touring cars and taxicabs constitute the most extravagant users of road space in proportion to the transportation service furnished. On the average the touring cars occupy about 13 square feet of roadway surface and approximately 2.5 linear feet of space per passenger seat. These figures are on the basis of all seats full, which is rarely the case. On a two-passenger basis, which is considered the average, these touring cars would occupy 41 square feet of roadway area per passenger and on the basis of three passengers 27 square feet or from nine to ten times as much area as is required by the most economically designed street car. It is this extravagant use of street surface space that is causing the difficult traffic conditions.

The taxicab is a still less efficient unit. It occupies approximately 16 square feet of roadway area, on the basis of five passengers per cab, and

nearly 3 linear feet per passenger. With an average load of two passengers each one requires 40 square feet of area or thirteen times as much space as is necessary by the most economically designed passenger carrying vehicle. The answer seems to be that one of the cures for street traffic ills is a reduction in the number of taxicabs and touring cars allowed on the streets and in their place provide the most economical space-using type of passenger vehicle, namely double-deck buses and street cars. It is particularly important that operation of the so-called roving taxicab which is in evidence on certain of the most congested thoroughfares of the larger American cities should be prohibited.

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Engineering Research Reduces Cost of Concrete Road Construction.—Another demonstration of the economic value of engineering research is made manifest by the results of tests on the use of calcium chloride in curing concrete roads conducted under the direction of H. F. Clemmer, engineer of materials, Illinois division of highways. These tests as outlined by Mr. Clemmer, in a paper presented before the American Road Builders' Association, indicate that the application, dry, of a small amount of calcium chloride to the green concrete pavement, reduces by one-half the normal curing time required without in anyway impairing the strength or soundness of the concrete. This means a substantial reduction in the time during which a road would be closed to traffic and hence economic gain, by affording quicker relief from congestion on other thoroughfares to which traffic is temporarily diverted or the delay incidental to making detours around construction work. That these delays to traffic represent real financial loss is unquestioned. Mr. Clemmer estimates that a saving of two weeks on the curing period of concrete road construction in a construction program covering 1,000 miles of pavement to be built in any one year, would reduce the cost to motorists alone during the construction season by $900,000. An investigation of the cost of 159 detours made necessary by road construction work in Wisconsin made during 1922 under the direction of N. M. Isabella, engineer of the Wisconsin highway commission, disclosed an average increase in mileage due to the detours of 2.15 miles per detour, an average period of use of 81.6 days and an average traffic of 1,320 vehicles per day. Assuming ten cents per mile for the average cost of operating all classes of motor vehicles, the expense of operating motor vehicles over the excess mileage of the detours during the period in which these were in use can be estimated at $3,680,000 or approximately $45,000 per day. Any reduction in this amount means a net saving to the public.

The results of Mr. Clemmer's studies apparently point the way to accomplishing substantial economies in connection with the construction of concrete roads. Greater attention to the matter of requiring the use of up-to-date equipment on road construction, award of contracts early in the season and encouraging all legitimate measures for speeding up the work offer possible ways of similar accomplishment on other types of road work. This matter is of sufficient public interest to demand the careful attention of engineers and road builders and the hearty support of the public.

❋

Preventing Disagreeable Tastes in Public Water Supplies.—Preventing disagreeable tastes in public water supplies constitutes an important element in the work of providing water of a suitable quality for domestic consumption. Unpleasant tastes in water are not necessarily harmful. A few years ago the Catskill water supply of New York city, one noted for its superior quality, developed a pronounced taste and slight odor due to the presence of a micro-organism, Synura. A combination treatment of that supply involving the dosage with copper sulphate and an excess of chlorine proved effective but not before there was considerable unnecessary perturbation aroused in the minds of the public over the situation.

It is obviously important that the public should have confidence in the safety of its water supply and hence particular care should be taken to guard against the introduction into the supply of substances likely to cause unpleasant tastes or odors. The presence in water supplies of that group of substances known as "phenols" which are produced in connection with the coal distillation industry are frequently responsible for disagreeable tastes and odors in those supplies. Moreover, the effect of phenols and like substances in producing undesirable qualities of water is accentuated when such supply is treated with chlorine. Persistence of the tastes thus caused in dilution as great as one part of phenol

waste in ten million parts of water, or in streams, at a distance of seventy miles from the source of pollution, has been reliably reported.

As apparently no satisfactory method of water purification has been found that will eliminate tastes and odors due to the phenol wastes, it is important that water supplies should be protected against this source of pollution. According to Almon L. Fales of Metcalf and Eddy, consulting engineers, a practical and effective remedy in some cases has been the evaporation of the objectionable wastes from the by-product coke ovens, by using them for quenching the glowing coke, and in the installation of settling and skimming basins for the removal of the greater part of the heavy tars and light oils from the wastes from water gas and gas producer plants, and the recirculation of the basin effluent through the scrubbers and coolers. In one case the small volume of residual wastes was treated with ferrous sulphate, and filtered through coke breeze, after which it was used for boiler water.

The results of the tests at Milwaukee indicated that the activated sludge plant will protect the lake water supply from tastes produced by these liquors if discharged into the sewers.

Effective Prosecution of Building Code Violations.—The follow-up of violations of building code provisions and, when necessary, the prosecution of offenders constitute two of the most troublesome problems confronting municipal authorities in the matter of regulating private building construction. For that reason any constructive suggestions with respect to handling this are of timely interest. Information of this character is made available in the latest report of the bureau of buildings, borough of Manhattan, New York city, a department which has a record of effective accomplishment in this field of work. In that borough the follow-up system controlling action on violation cases was revised in the early part of 1922. It was heretofore the practice to issue orders for reinspections on pending violations from the follow-up desk, these orders being issued in accordance with the consecutive numbers of the violations irrespective of the location of the premises, the result being that in many instances where there happened to be more than one violation against the same premises, the inspector had to make separate inspections of the same premises in a month.

An order was issued on January 30, 1922, under which the inspector arranges his copies of the violations in his district so that all violations against one premises are kept together in street and block order. At least once a month, he automatically inspects all violations in his district, commencing at a point at one end and continuing block by block until he has covered the entire district. These changes in the method of inspection have increased the efficiency of the inspection force at least 50 per cent.

With respect to the prosecution of violations in Manhattan—because of the congestion of the calendar in the municipal term court caused by the great number of actions brought by the various city departments in that court—it was found advisable to hold preliminary office hearings before the prosecution of a case was commenced.

Following out this procedure, office subpœnas were issued returnable at a stated time, requesting a party or parties to a violation to show cause why a prosecution should not be commenced under Section 719–b of the Greater New York charter. Out of 1,379 subpœnas issued, 935 orders were complied with without recourse to court action. Subpœnas are issued only after the usual procedure of issuing the violation notice, personal service of mandatory orders and follow-up correspondence has not effected compliance.

However, in special cases such as stop orders issued where work is in progress without a permit, many of these cases being filed as a result of the amendment to the workmen's compensation law elsewhere referred to, subpœnas are issued immediately after the filing of the order to stop work is issued and made returnable within 48 hours.

The hearings are reported stenographically, transcribed and made a part of the record. If it develops at the hearing there is cause for a reasonable extension of time to comply with an order, an extension is granted where there are no dangerous or hazardous conditions.

A reinspection is made before the adjourned day, and if it is found that substantial progress has been made toward compliance a further extension is granted. If, however, it is found nothing has been done to remove the violation, a summons is issued and the case immediately forwarded to the corporation counsel, who prepares it for prosecution in the municipal term

court, this being the procedure where no appearance is made on the return day.

This new method has been found to be particularly satisfactory not only to the bureau but to those against whom violations are filed, as it affords an opportunity for personal co-operation between the bureau and the public in removing a violation, and in a great many cases obviates the necessity for court action. It has also resulted in an increased dismissal of violations and a decreased number of cases for court action. For example, during 1921 prior to the adoption of this procedure, 276 summonses were issued, whereas during 1922, 106 summonses were issued.

Another, and one of the most efficacious means of removing a violation, has been found to be the stop order which is issued immediately on a report of an inspector that work is being done without a permit. Most of the stop orders are complied with immediately. When cases are ready for prosecution they are referred to the corporation counsel, summonses are issued and the cases placed on the calendar in the municipal term court on a specified day, when representatives of the bureau appear in conjunction with the corporation counsel for the prosecution of the violations. During 1922 a change in the method of bringing cases to court was made effective under an order dated January 10. It was formerly the practice where there was more than one violation pending against a premises to commence individual action in each case, and generally at different times, which meant additional correspondence, serving of summonses, etc.

Under the new procedure, where a prosecution is commenced, all violations against the same premises are included and prosecuted at the one time. The adoption of this procedure has resulted in a considerable saving of work and time on the part of the bureau, and in a more speedy removal of violations.

PUBLIC HEALTH NOTES

EDITED BY C. E. McCOMBS, M.D.

A Seaweed Goitre Preventive. The readers of the REVIEW have doubtless noted in this column occasional references to the various methods of utilizing iodine in one form or another for the prevention and treatment of goitre, particularly among school children. Rochester, N. Y., treats its water supply with iodine and in the opinion of the Rochester health officer, Dr. George W. Goler, this is a satisfactory procedure. Other authorities prefer to administer iodine in table salt or in chocolate coated tablets. In *The Nation's Health* of July 15, J. W. Turrentine, Ph.D., Scientist of the U. S. Department of Agriculture recommends the use of kelp, a seaweed which has a high iodine content, as a routine addition to the dietary of all persons living inland and particularly in regions where goitre is prevalent. Kelp, according to this writer, not only has a high iodine content in readily soluble form, but contains many other useful elements of diet. It is cheap, abundant, conveniently acquired, stored and transported. The author does not suggest in just what form the kelp should be used but states that methods have now been perfected by which the kelp may be so processed that its colloidal parts remain unimpaired and its mineral content unreduced.

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Oil Pollution of Waters and the Public Health.—Following an investigation recently made by the U. S. Bureau of Mines in co-operation with the American Petroleum Institute and the American Steamship Owners, Association, the committee summarizes its findings in Public Health Reports for July 11 as follows:

The health menace of petroleum oil from various sources that reaches the coast and other waters may be classified as follows:

1. The discouragement of healthful recreation, such as bathing, boating, hunting, fishing.
2. Its effect in rendering clams, oysters and other sea food unfit to eat on account of the oil actually absorbed by this food.
3. The unsightly appearance which may result from the presence of oily refuse in any locality and the accompanying tendency to lower the hygienic standards of the community.
4. The possible prevention or retardation of the normal oxidation of sewage.

5. Skin diseases or irritations which may be the result of contact with oil and oily residues.
6. The odors which may be given off directly by oil and oily matter when deposited on the shores and banks of streams and the obnoxious odors from accumulated fecal matter resulting from retarded oxidation of sewage.

As the committee points out, it is impracticable as yet to state the degree to which these factors are affecting public health, but it considers that over a long period of time the effect must be appreciable. Inquiries of state and local health officers indicates that even in our largest coastal cities no thorough study has been made of this problem and that relatively few health officers are able to present any convincing evidence of health injury due to oil pollution of waters. This is a matter deserving further study, but it is not believed that the prevention of oil pollution of waters will have any measurable effect upon the public health, although undoubtedly it will contribute to public comfort and enjoyment and thus indirectly to public health.

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Eyesight Conservation in Industry.—Frank E. Burch, M.D., of St. Paul, Minn., in a paper presented before the International Association of Industrial Accident Boards and Commissions and recently published in the Bulletin of the U. S. Bureau of Labor Statistics No. 359, states that of the estimated 110,000 blind persons in the United States approximately 13.5 per cent are blind as the result of industrial accidents. As an illustration of the great economic loss thus sustained, Dr. Burch cites a report of the Bureau of Workmen's Compensation of Pennsylvania for 1920 in which it appears that to 18 persons who lost the sight of one eye, and 652 who lost the sight of both, $890,405 was paid in compensation alone. This of course represents only a small percentage of the total loss both to the state and the individuals.

The principal means of conserving eyesight in industry are, according to the author: (1) Education; (2) illumination; (3) vision testing and correction of visual defects by glasses; (4) prompt and efficient medical service; (5) protection of eyes themselves. As practical measures to be undertaken by the Association of Industrial Accident Board and Commissions, the following are recommended: (1) Better and more thoroughly standardized statistics for the use of national agencies for eyesight conservation; (2) the securing of uniform state laws relative to eye safety of workers; (3) the promotion of uniform standards for the estimation of visual disability by state compensation bureaus and uniformity of compensation provisions; (4) the encouragement of more thorough visual tests before employment; (5) the securing in every state of legislation to provide additional penalties for failure by employers to protect their workmen against eye injuries.

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Mental Hygiene Survey of New York State Jails.—The National Committee for Mental Hygiene presents in the June number of the *Mental Hygiene Bulletin* a preliminary report of a recent survey of New York jails. Of 1,288 prisoners confined in 34 county jails and penitentiaries, 69 per cent were under 40 years of age and 38 per cent under 30 years of age. Seventy-four per cent were mentally handicapped, including feeble-minded, insane, epileptics and psychopathic personalities. Fifty-nine per cent were found to be in need of treatment for physical disabilities.

This report reinforces the judgment already formed by the majority of those having to do with our penological systems that the problem of crime prevention is mainly one of preventing mental and physical defects. The old measures of punishment as a preventive and corrective of crime will certainly be replaced in the not distant future by measures for the prevention of those diseases responsible for the well-established fact of the increase of crime in this country. In the records of such agencies as the Children's Court Clinic conducted by Dr. Max G. Schlapp at the Post Graduate Hospital in New York city, there is ample evidence to demonstrate that crime can be prevented by the application by skilled physicians of tested methods of treatment of juvenile delinquents, and confirmed criminals can be restored to such mental and physical balance that they can actually be "cured" of crime.

NOTES AND EVENTS

Assistant Manager Urged for Alameda.—The Alameda Improvement Club has proposed that the city council employ an assistant manager whose chief duty will be the supervision of the city's industrial development, particularly with a view to inducing new industries to locate there.

✻

Report that Cleveland Exceeds Income Erroneous.—Some publicity has been given to a recently published report that the new manager government of Cleveland has not been living within its income. The specific charge was that the surplus of $1,600,000 left by the Kohler administration had dwindled to $300,000. In a report to the finance committe of the council, Manager Hopkins showed that $200,000 less than half of the annual appropriation had been spent during the first semester of the fiscal year. The reduction of the surplus, he stated, was due mainly to expenditures for street widenings and extensions which were formerly financed by borrowings.

✻

Cleveland Council Gets Vacation.—The new Cleveland charter provides that there shall be a meeting of the council at least once a week, and fines any member who may be absent, except for illness, 2 per cent of his salary for each meeting which he fails to attend. However, ingenious minds on the council have worked out a scheme which will allow them a vacation. When the council met on Monday, July 14, it adjourned to Friday, July 25. By repeating this arrangement later in the summer the members feel that the needed rest will be assured them without loss of pay.

Another device has been developed to save the 2 per cent fine when an individual member is absent. When the council meets, say on Monday night, it does not adjourn after business has been completed; it "recesses" until the next meeting and any member is given an opportunity to answer "here" to the roll call before the meeting of the previous week is "adjourned."

✻

Germany Makes Drastic Cut in Civil Service.—According to a memorandum of the minister of finance concerning the reduction of the personnel in the national public service in Germany the number of officials and laborers decreased about 25 per cent between the first of October, 1923, and the first of April, 1924. It appears that 134,000 of a total of 60,000 assistants and 230,000 of a total of 700,000 laborers are no longer in the service. The savings chargeable to the item of salaries and wages amount easily to 435,000,000 gold marks, which is approximately 15 per cent of the total expenditures of the empire.—*Preussisches Verwaltungs-Blatt.* Berlin.

✻

Pennsylvania to Vote Again on Constitutional Convention.—Pennsylvania has not had a thorough revision of her consitution since 1870, although since 1900 it has been increasingly out of date. In the last 20 years it has had 28 amendments. The mere cost of publishing them has amounted to $1,500,000. A commission appointed a few years ago made 132 recommendations of needed changes. In spite of this report a referendum on the holding of the constitutional revision convention held in 1922 resulted in a negative vote, due to a number of political reasons. In the next November election the matter will again be submitted to a referendum vote. Most of the political questions have been removed in the meantime, and it is hoped that the result will be in the affirmative.

ERNEST N. VOTAW.

✻

University of North Carolina to Study County Government.—The department of Rural Social Science of the University of North Carolina is undertaking a field study of county government and county affairs within the state to cover a period of three years. Three research students are being added to the staff and will be provided with traveling expenses in order that they may do first hand, out-door investigating. The purpose is to dig out the facts which directly concern the people of the state and to interpret them by graphic and intelligible means. Upon the basis of the information thus assembled, a form of county government will be worked out which will place the county under a definite, responsive headship. The effort will be to accomplish this with as few changes as possible over the present system of county commissioners.

North Carolina has already attracted nation-wide attention by her investigations into county affairs and the practical program developed thereby, and we shall look forward with keen interest to this intensive exploration into what is still an unknown land.

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The Morton Denison Hull Prize.—The Hull Prize will hereafter be offered biennally. As heretofore it will be open only to post graduate students in American universities having distinct graduate courses in municipal government. The amount of the award will hereafter be $500 and will be first offered in 1926. Essays should represent original research of sound quality. They should not exceed 20,000 words in length and must be submitted before September 15, 1926.

The preparation of essays for submission can well be tied up with the work in connection with the student's master's or doctor's thesis. It has been felt that in past years the short period of a year was not sufficient to enable the contestant to produce the results which the donor of the prize has in mind. The prize is made available through the generosity of the Hon. Morton D. Hull of Chicago, who has always been keenly interested in the promotion of original thought and research upon problems of government.

✠

Status of Rhode Island Constitutional Convention.—The troubles and vicissitudes of the Rhode Island legislature are recounted elsewhere in this magazine. The difficulties grow out of the antiquated apportionment for elections to the legislature which, among other things, has blocked revision of the constitution, adopted in 1842. The Democrats, who suffer by the present apportionment, are striving for constitutional revision. They want to abolish the property qualification to vote applying to the citizens of Providence and to reapportion the state on the basis of the present distribution of population. They, therefore, want the general assembly to call a constitutional convention, but the constitution makes no provision for a convention, and their opponents argue that the only possible method of revision is through amendment. But a constitutional amendment requires for adoption a three-fifths majority. An amendment to call a convention would thus stand small chance of success, but the legality of a convention called by the legislature is denied by the Republicans.

Another antiquated feature of the present constitution is the power of the state senate to reject the governor's appointments and substitute men of its own choosing.

✠

Relation of Council and Manager in Long Beach.—The charter of Long Beach, California, requires that most of the administrative heads, supposed to work under the manager, be appointed by him, subject however to ratification by the council. This is an usual provision, contrary to the spirit of clear-cut responsibility which is the essence of the manager plan, and Councilman John T. Arnold is urging charter revision which will give the manager more authority. He complains that at present the manager must refer every little detail to the council, which as a consequence is making countless decisions on administrative detail that should be left to the manager.

The manager's position is illustrated in a recent statement which he gave to the press, denying that there was to be a shake-up in the municipal departments. "I will not have a thing to do with resignations or appointments," he is reported to have said. "It is my duty only to recommend. I am the executive, while the council is the legislative authority of the city," he added. Councilman Arnold praises Manager Windham highly, but we are inclined to aggree with him that under the Long Beach charter, the manager is something less than an executive.

✠

Cincinnati to Vote on Progressive Charter.—Many citizens of Cincinnati feel that they have suffered financial and administrative hardships long enough and have undertaken a fight for a charter amendment providing for a city manager and a council elected by proportional representation. Sufficient signatures have been secured to petitions to place the amendment on the ballot at the November election. The movement is being led by the Birdless Ballot League with Henry Bentley in charge. The League takes its name from its purpose to bring Cincinnati into line with other Ohio cities by eliminating party names and emblems from the municipal ballot, so that citizens will vote for *men* and not for *birds*.

The proposed amendment relates to but one section of the charter. It substitutes a city manager for the mayor; and for the present council of thirty-two is substituted a council of nine elected at large by proportional representation. The

ballots for municipal elections will carry no party mark.

W. J. Millard will assist in the campaign. The city council is unwittingly helping by several unpopular actions. For one thing it has decided to revise the gas franchise to permit an increased rate to the small consumers.

✻

Invention to Prevent Automobile Collisions.—The *New York Times* recently carried the story of a French invention which provides automatic danger signals at road crossings. Experiments at two crossings which were the scene of many accidents have, it is reported, demonstrated the value of the device.

The apparatus is electric. A metal plate laid in the roadway with an electric contact operates a large danger signal whenever an automobile or other vehicle passes over it. The plate is on the road level, and the weight of the automobile releases a signal which in one case is attached to a house at the corner of the road and in another is hung across the roadway. At night these signals are illuminated.

The advantage of this apparatus is that the signal catches the eye of the automobilist by its sudden appearance in front whenever a car passes over the contact plate. A red disk and the word "Danger" flash suddenly in front of him at a sufficient distance to give him time to slacken speed, and at the same instant a similar sign appears on the transverse road, warning any one approaching from that direction to stop. At night the sign remains illuminated for several seconds after the contact is made with the road plate.

✻

Knoxville Refunds Ten Per Cent of Taxes.—News which will startle many harrassed tax payers comes from Knoxville, Tennessee. It is that the city council, elected under the new manager charter which went into effect less than a year ago, has refunded 10 per cent of the year's taxes to the tax payers. The reason is simple.

When Louis Brownlow took charge as manager last December he found a financial situation literally chaotic. The old government had expended $1,000,000 in excess of revenue during the past year, and left to their successors deficits in various funds amounting to $4,000,000. Without adequate information and without time to gather it, the new council had adopted, at the beginning of the fiscal year in October, a budget $500,000 less than the expenditures of the previous year. Following Mr. Brownlow's arrival, a new accounting system was introduced, improvements in collections became manifest, assessments began to increase although there was no general re-assessment, and efficiency and economy were introduced.

By the middle of June it became apparent that there would be a surplus in the treasury at the end of the year. By the end of July the surplus had reached $300,000 with the probability of being increased by $110,000 before the end of the year. The council therefore decided to return $280,000 to the people, which brings the tax rate from $2.44 to $2.196.

It should be emphasized that the budget as adopted provided for $500,000 less than was spent the year before and that the $280,000 is additional profit accruing to the tax payers by virtue of their new government. Disgruntled politicians who are working to have the charter repealed at the next session of the legislature will be welcome to all the aid and comfort they can draw from this fact.

Mr. Brownlow has introduced a system of daily financial reports showing how the city stands at the close of each day's business. A copy of one, under the caption "How Your City Keeps Its Books" was recently published as a two page, center spread advertisement in the Knoxville papers.

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City Manager Notes

Annual Convention of Managers' Association.—The eleventh annual convention of the City Manager's Association will be held in Montreal, September 23–25. This will be the first visit of the Association to Canada. Besides the attractions of the program, the hosts have provided sight seeing trips to places of interest in and around the city. A feature of the meeting will be the time devoted to round tables. There will be round table discussion on the following subjects: Billboard regulation, unified transportation by street cars and buses, the juvenile female delinquent, selling good government to the citizens, the merit system, municipal cost accounting, tourist camps, the city manager's part in councilmanic elections contrasted with his part in improvement elections, training for the profession, garbage collection and disposal, and other subjects of every day importance to the managers.

Reports from Manager Cities.—The executive secretary of the City Managers' Association, John G. Stutz, has recently returned from a visit to a number of managers, and we are endebted to him for the following report.

Knoxville, Tennessee. The council has recently voted to buy an eight-acre tract of land in the heart of the city for a municipal and civic center. The present administration has the support of all the newspapers. The leading newspaper has announced its opposition to any move to legislate the new charter out of business.

Lynchburg, Virginia. This is the fourth city for Mr. Beck, present manager of Lynchburg. The city successfully operates an asphalt plant, and a prison farm which is self-sustaining through the sale of farm products and the services of the prisoners in various departments of the city. A beautiful park is being developed and a stadium designed for the use of the public.

Norfolk, Virginia. Norfolk has a great port problem on its hands. She has constructed municipal docks and grain elevators, many streets have been widened and park facilities provided in response to popular demand. Although the improvements have been expensive, the city is on a sound financial basis.

Newport News, Virginia. This city is gaining a wide reputation for its malaria control. Sawdust is soaked in waste crank-case oil which is gathered from the public garages and is thrown broadcast over the water in which the mosquitos breed. The sawdust sinks to the bottom, but within four or five days the oil is released and rises to the surface. The effectiveness of this process is more than 100 per cent greater than that of spraying oil on the surface.

Westmount, Quebec. Westmount, which is completely surrounded by the city of Montreal, is often called the model city. It was the first city in Canada to adopt manager government, which was developed without knowledge of a similar movement in the United States. It has many public improvements and municipal enterprises which are without exception well handled.

Lima, Ohio. Lima, like other Ohio cities, has an acute financial problem, but a revaluation of property is under way which is expected to double the assessed valuation and thus bring relief under the tax limit laws.

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Measuring Government Efficiency.—Those who believe that government effectiveness can be measured by accurate units which can be compared realize the gigantic nature of the task. It is difficult to establish the units, but the difficulty is immeasurably increased by the lack of statistics and accounting systems which are comparable.

Everyone will therefore be interested in a report prepared by William L. Bracy of the Bureau of Business and Governmental Research of the University of Colorado, upon the efficiency of various municipal services in the cities of Colorado of over two thousand population. The scope and method of the survey are best described by the following quotation from it:

> The following services rendered were finally adopted for measurement: police protection; fire protection; health protection, as reflected by infant mortality; street improvement; library service; water supply; and park facilities. It is recognized that there are many other indices which could have been used, some of which would perhaps have been more accurate. Yet when all points were fully considered, the measurement of these activities seemed to be the most logical.
>
> In accordance with the foregoing conclusion, the following methods of measuring the services rendered, listed in the preceding paragraph, were employed: police protection was measured by the number of persons per policeman; fire protection by the fire loss per capita; health protection by infant mortality rates; street improvement by the per cent. of pavement to total street mileage; library service by the circulation per volume; water supply by the average per capita daily water consumption; and park facilities by the number of persons per acre of park land.
>
> Cities having the lowest number of persons per policeman, the smallest per capita fire loss, the lowest infant mortality rate, the smallest average per capita daily water consumption, and the least number of inhabitants per acre of park land, were ranked first. Cities having the greatest library circulation per volume and the highest per cent of pavement to total street mileage, were also ranked first in services-rendered.
>
> The cost of services rendered was measured by the following standards: per capita operation receipts; per capita operation expenditures; per cent of water works operating expense to operating revenue; per capita general city debt; per capita street lighting costs; cost of elections per vote cast; and minimum flat-rate water charges.
>
> Cities having the lowest per capita operation expenditures, the lowest per cent of water works operating expense to operating revenue; the smallest per capita general city debt, the lowest per capita street lighting cost, the lowest cost of elections per vote cast, and the lowest minimum flat-rate water charge were ranked first. The city having the highest per capita operation receipts was also ranked first in the cost-of-services rendered.
>
> The final ranking of the cities was arrived at by

adding the number of points scored in the service-rendered rankings to the number of points scored in the cost-of-service rankings. The city scoring the lowest number of points, in total, was ranked first, and the others followed in order, accordingly. No attempt was made to weigh the different services in accordance with their comparative degrees of importance. In the final ranking all services and all costs of services were given equal weight.

In order to verify the conclusions reached on the basis of the fourteen standards of measurements originally selected and shown in graphic form in the charts, it was decided to rank each municipal activity according to the amount of service and cost of service. In other words, offsetting against each service selected as a standard, the cost of that particular service to the citizens.

This involved ranking each city on the basis of the following services and costs:

1. Police protection	Persons per policeman	Cost per capita
2. Fire protection	Per capita fire loss	Cost per capita
3. Health protection	Infant mortality rate	Cost per capita
4. Street improvement	Per cent of pavement to total street mileage	Cost per capita
5. Library service	Circulation per volume	Cost per capita
6. Water supply	Av. per cap. daily con.	Min. flat rate water charge
7. Park facilities	Persons per acre of parks	Per capita cost
8. Elections	Per cent of pop. voting	Cost per vote

The report then proceeds to announce the rankings of 29 cities. Copies are sold for 25 cents each. Address Dr. Don C. Sowers, University of Colorado, Boulder, Colo.

This venture into "measurement and publicity" is a courageous effort for which we should all be grateful. Almost everyone will find something in it to criticise but it is none the less useful.

English students are beginning work on the same problem but they, as we, have advanced little beyond the "comparative tax rate" stage. We all admit the need for a science of measurement. All we have to do, is to develop it. Several members of the National Municipal League are working on the problem. It was on the program of the last meeting of the Governmental Research Association, and is to be the subject of a round table again at the National Conference on the Science of Politics at Chicago. We hope soon to publish some findings.